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ABSTRACT

This handbook describes the Program of Child Welfare and Attendance and School Social Work Services in the state of Louisiana. The first section provides a brief history of services in Louisiana and a description of the program, including its philosophy and objectives, the identification and interpretation of roles and functions of child welfare, school attendance issues, and the role of school social work personnel. Due process for students is explained along with court cases and decisions. Part Two of the handbook focuses on procedures, directions, and forms for collecting and reporting data. An administrator's guide to the Buckley Amendment, which granted parents and students the right to review student records, is provided and sample forms maintained by supervisors of child welfare and attendance are given. Part Three contains evaluative forms and procedures and discusses certification requirements for supervisors of child welfare and attendance and/or visiting teachers. The appendix contains the specific laws affecting child welfare, attendance, and adjustment, and opinions of the attorney general. This handbook may be used as a legal reference guide for school professionals and, although geographically specific, could serve as a model for other education programs. (NRB)

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LOUISIANA DEPARTMENT OF EDUCATION

1982

HANDBOOK
FOR
SUPERVISORS OF CHILD WELFARE
AND
SCHOOL SOCIAL WORKERS

PUBLICATION 1452
REVISED 1981

BUREAU OF STUDENT SERVICES

OFFICE OF ACADEMIC PROGRAMS

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U.S. DEPARTMENT OF EDUCATION
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TO THE SUPERVISORS OF CHILD WELFARE
AND ATTENDANCE, VISITING TEACHERS, AND SCHOOL SOCIAL WORKERS

I WANT TO COMMEND EACH OF YOU FOR THE EXCELLENT WORK YOU HAVE DONE IN DEVELOPING THIS HANDBOOK. PLEASE ACCEPT MY SINCERE APPRECIATION AND GRATITUDE FOR ALL THE CONTRIBUTIONS YOU HAVE MADE TO THE EDUCATIONAL SYSTEM OF LOUISIANA.

THE LOUISIANA STATE DEPARTMENT OF EDUCATION PLEDGES TO YOU ITS FULL SUPPORT AND COOPERATION IN ALL OF YOUR EDUCATIONAL ENDEAVORS.

SINCERELY,

Kelly Nix

J. KELLY NIX
STATE SUPERINTENDENT

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PREFACE

This is a handbook describing the Program of Child Welfare and Attendance and School Social Work Services in the State of Louisiana. It was prepared by a Committee of Supervisors of Child Welfare and Attendance of the Louisiana Teachers Association and of the Louisiana Education Association and representatives of School Social Work Services in cooperation with the Student Services Bureau of the State Department of Education.

The purpose of this handbook is to clarify the program and to delineate the program components. It consists of:

A brief history of the services in the state

A description of the program which includes the authority, the philosophy, the objectives, the procedure and the evaluation

Identification and interpretation of roles and functions of child welfare and attendance and school social work personnel

Due process clause

Procedures and forms for collecting and reporting data

Evaluative procedure and certification requirements

Laws affecting Child Welfare, Attendance and Adjustment

Attorney General Opinions

This handbook serves as a legal reference and guide for professionals at all levels and as a base for helping students achieve maximum benefits from their school experiences. Explanations are included specifying why certain information is needed and how that information is to be used.

It is the hope of this committee that this publication will have a positive effect on the welfare of children.

PART I

SUPERVISOR OF CHILD WELFARE AND ATTENDANCE AND SCHOOL SOCIAL WORKER

A BRIEF HISTORY OF THE SERVICES IN THE STATE OF LOUISIANA

The Visiting Teacher Program in the State of Louisiana was created by legislative act in 1944 when the first compulsory school attendance law was enacted in Louisiana - Act 239 of the 1944 Legislature. The law provided for the employment of a state director of attendance and one visiting teacher for each parish, the concept being that non-attendance at school was symptomatic and that causes should be identified and appropriate services given.

In 1945 the first State Director, Mr. Gordon Webb, and thirteen visiting teachers were appointed. Subsequently, all sixty-four parishes and the three city school systems in Louisiana appointed visiting teachers. A State committee drew up the certification requirements for visiting teachers, and the State Board of Education approved the recommendations in 1945. The approved certification, however, differed from what Orleans Parish needed and had requested, in that the social work component was omitted. Orleans had had an established School Social Work and Attendance Program since 1927 which had been pioneered by Dr. Carmelite Janvier. Orleans, wishing to continue their program, met the certification problem by employing social workers who could certify as visiting teachers. However, when it became increasingly difficult to find social workers with the educational credits to meet state certification requirements, Orleans Parish asked for and the State Board of Education approved the certification of Licensed Social Workers as visiting teachers.[1]

In 1958 the State Department of Education, recognizing the growing need for services, expanded the program from one visiting teacher for each parish to one visiting teacher for every 15,000 educables in a parish (the number of children residing in a parish between the ages of 6 - 19), thus increasing the number of visiting teachers statewide and providing additional funding under the Minimum Foundation Program. By the 1974-75 school session, the roster issued by the State Department of Education listed 235 visiting teachers, school social workers, and supervisors of child welfare and attendance.

THE PROFESSIONAL ORGANIZATION

From the beginning of compulsory education the professionals have had a state organization. Originally the association was called the Visiting Teachers Association. Later the Supervisors of Child Welfare and Attendance participated in two state organizations, the Supervisors of Child Welfare and Attendance of Louisiana Education Association and the Supervisors of Child Welfare and Attendance of Louisiana Teachers Association. The Supervisors of Child Welfare and Attendance of Louisiana Teachers Association also affiliated with the International Association of Pupil Personnel Workers. Since there have been changes in the educational associations of the state, the Supervisors of Child Welfare and Attendance merged the two associations and are now affiliated with Louisiana Association of School Executives. They also have continued their affiliation in International Association of Pupil Personnel Workers.

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[1] Enacted July 26, 1974

In 1964, the Louisiana Legislature re-enacted the Louisiana Compulsory School Attendance Law which had been repealed in 1960 during the integration crisis of that period. Included in the new act was provision for the optional title of the position, either Visiting Teacher or Supervisor of Child Welfare and Attendance. This action prompted the two organizations, the Visiting Teachers Associations of LTA and of LEA, in 1973 to adopt as their official name Supervisors of Child Welfare and Attendance.

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1 Enacted July 26, 1974

EMERGING ROLE

The present roles of the Supervisor of Child Welfare and Attendance and the School Social Worker evolved from their early beginnings in 1945 to the present, more than thirty years later, as services which have succeeded in earning a place in the school systems of Louisiana.

In retrospect, the 1940's were a period of finding and enrolling school children who had never been in school.

The 1950's and early 1960's were a period during which the visiting teachers developed a conviction that if education was to be required of all children, then these children should be entitled to appropriate educational programs. They played a significant role in pointing up needs and getting school boards across the state to recognize and support such services as special education, guidance, health, transportation, low-cost school lunch, curriculum changes, etc.

The late 1960's and the early 1970's emerged as a period of professional growth and development. This role has been influenced through the years by professional workshops for visiting teachers and by their participation in local, state, national, and international professional organizations. The first Visiting Teacher Workshop for professional development was held in 1945, immediately after the appointment of the first thirteen visiting teachers. It was sponsored by the State Department of Education and the Louisiana State University School of Social Welfare. In-service workshops have continued annually. This partnership between education and social work has had an impact on the developing service, has changed the focus of need, and has challenged the personnel to develop their skills and abilities.

PRESENT STATUS

In 1972, a Bureau of Student Services was established as a significant need in the State of Louisiana. The Supervisor of Child Welfare and Attendance and the School Social Worker are a vital part of this Bureau.

The responsibility for the official account of educables was shifted from the State Department of Education to the parish Supervisor of Child Welfare and Attendance.

Opportunity has been provided for the Supervisors of Child Welfare and Attendance professional association to assume responsibility at the grass-roots level, along with the State Department of Education personnel, to re-examine and re-define the role and to formulate plans, programs, and procedures to implement child welfare services. Supervisors of Child Welfare and Attendance and School Social Workers are grateful for the privilege of sharing their knowledge and experience in formulating this new, revised program aimed at improved child welfare services.

THIRTY-SEVEN YEARS OF SERVICES

In the thirty-seven years of service the Supervisors of Child Welfare and Attendance have focused on finding and enrolling children in school, recognizing needs and supporting programs to meet these needs.

THE FUTURE IS BRIGHT FOR LOUISIANA'S CHILDREN.

DESCRIPTION OF THE PROGRAM

AUTHORITY

Louisiana statutes provide that the State Department of Education and each local school board shall have the responsibility of assuming the leadership in initiating, maintaining and supervising programs which affect child welfare and attendance.[2]

Title XVII of the 1950 Louisiana Revised Statutes and Amendments to this law via Acts 109, 194, and 306 spell out rules and regulations concerning child welfare and attendance which should and must be complied with. These statutes deal generally and specifically with compulsory attendance and exemptions to the same; discipline of students, including suspensions and expulsions; duties of state and local supervisory personnel who manage programs for child welfare, adjustment and attendance; duties of principals, teachers and other school personnel to comply with the provisions of the program for child welfare; responsibilities of children and their respective parents or tutors toward compliance with child welfare and attendance laws; methodology to be employed in administering suspensions and expulsions; and the rights of parents or tutors to appeal decisions rendered by the superintendent, or his designee, and the local school board. Additionally, Act 368 and Act 754 make provisions for affording educational opportunities for all children, regardless of their respective exceptionalities.

PHILOSOPHY

Any society that has the right to insist that its youth be in regular school attendance has the responsibility to assure those in attendance that their tenure will be profitable and will enhance positive self-concepts; will foster adequate human relations; will prepare them to meet the challenges of the present and the future; and will develop a sense of values which will create in them a desire to be contributing members of society.

Inasmuch as the child is obligated to be in regular school attendance, the Child Welfare and Attendance and School Social Work Services programs were instituted so that every child could be afforded the opportunity not only to attend school regularly, but to receive assistance from those individuals whose responsibility it is to serve as liaison with the school and community in a concerted effort to identify and eliminate, alleviate or ameliorate undesirable conditions which have an adverse effect upon the child's adjustment to his educational environment.

OBJECTIVES

The goals set forth in the philosophy will be accomplished by meeting the following objectives:

1. To assist other school personnel in the development of success-oriented programs designed to enhance a positive self-image in each child.

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[2] Direct or implied authority - See Legislative Acts 109, 194, 306, and 368.

2. To create an awareness of the problems that adversely affect the learning process.

3. To render consultative service to other school personnel, parents, and the community relative to the problems affecting attendance and adjustment.

4. To assist community agencies in diagnosing, prescribing and implementing effective programs designed to meet the needs of each child.

5. To supervise, develop and interpret research data on the attendance and adjustment of children.

6. To enforce the Louisiana Compulsory School Attendance Law.

7. To supervise and maintain the continuing census.

PROCEDURE

Essential facets of the program to be utilized include communicating, collaborating and cooperating with civic, social, service, religious and educational agencies in an effort to collectively diagnose, prescribe and implement solutions to child-centered problems.

EVALUATION

The Handbook Committee is continuously developing evaluation procedures to determine the degree to which the objectives of the program are being met. The committee functions on a continuing basis.

IDENTIFICATION AND INTERPRETATION OF ROLES AND FUNCTIONS

The role of the Supervisor of Child Welfare and Attendance (SCWA) and of the School Social Worker (SSW) is to provide leadership in the establishment and maintenance of an effective school program for the proper adjustment of the child. The SCWA and the SSW accomplish this by working with parents, children, and school personnel, and by coordinating community services and resources concerning problems that interfere with the satisfactory school adjustment and/or achievement of individual students. The Louisiana statutes charge the SCWA with the responsibility of assuring that every child is in regular attendance, and with the responsibility of filing charges to enforce the compulsory School Attendance Law when necessary.

The development of an effective school program calls for knowledge as to which children present problems. Therefore, the SCWA and the SSW must work with the school in developing and maintaining procedures for daily identification of children with problems in the areas of absenteeism, tardiness, class cutting, and other school-related adjustment problems. Once the children with problems have been identified, studies must be made by the SCWA/SSW to determine the degree of the problems and underlying causal factors. In cooperation with the students, the appropriate school personnel, the parents, and/or community agencies, plans are formulated to solve or alleviate the problems to the extent that the children are able to improve.

If a student's problem is school-centered, the SCWA/SSW must collaborate with teachers, principals, guidance counselors, psychologists, etc., in eliminating or ameliorating the problem so that the child can proceed toward satisfactory adjustment. This may best be accomplished by such things as curricular changes, adjustments in interpersonal relationships, and/or modifications within the classroom. If needed curricular offerings or school services are not available, the SCWA/SSW must point up this fact and encourage the school system to provide or develop these.

If a student's problem is home-centered, the SCWA/SSW must involve the parents and other individuals in the home in an effort to modify conditions which influence the child.

If a student's problem is other than home-centered or school-centered, the SCWA or the SSW attempts to involve and coordinate the community agencies or resources to procure needed services. If the appropriate resources are not available, the SCWA/SSW must point up this fact and encourage the development of the desirable resources. Continuing evaluation and assessment are made to determine if it is desirable to modify the original approach to the case or use a different approach. The SCWA/SSW gives leadership in making the contacts for the evaluation with those who were involved in initiating the original approach.

In addition to providing direct services to individual students with adjustment and/or attendance problems, the SCWA/SSW encourages school personnel to develop a school-wide awareness of regular school attendance through: special assembly programs, homeroom guidance activities, bulletin board displays, student awards, parent involvement in school activities, and cultivation of a genuine interest of the principal and faculty in individual students.

In working to help students with their school adjustment and/or attendance problems, the SCWA/SSW uses the following: consultative services to school personnel in identifying and referring children with problems; assisting in determining the degree of the problem and in the selection of children to receive direct services; planning for the solution of the problems; implementing the plan; evaluating and assessing the plan; and proposing an alternate plan when necessary.

The effective adjustment and/or attendance of children in school depend largely upon the attitudes and feelings of their parents toward the school. The SCWA and the SSW serve as catalysts in fostering good working relationships between the parent and the school by suggesting and encouraging parent involvement programs, such as small interest groups or classes for parents at the school, volunteer services to the school, and attendance and participation in various school programs and special events. Special individual help is given in involving hard-to-reach parents.

A necessary component of effective pupil personnel services is an adequate census and child accounting system, supervised by the SCWA under the direction of the State Department of Education.

It is the responsibility of the SCWA/SSW:

To assist in the development of success-oriented programs designed to enhance a positive self-image for each child, such as Career Education;

To give consultative services on school adjustment problems to all school personnel and parents in behalf of many children who are not referred for direct services;

To provide leadership in eliminating or ameliorating undesirable environmental conditions which interfere with the learning process;

To supervise, develop, and interpret research data on: attendance and adjustment problems of children, accounting for all educables, study of dropouts, and causes of poor attendance;

To supervise the maintenance of the continuing census; and [3]

To insure the SCWA and SSW program as an integral part of the total program of public education in Louisiana which requires professional competence and continuous professional growth.

In the interest of the individual child it is necessary that the SCWA/SSW contact and utilize all services and resources within and outside the school. The role of the SCWA/SSW is dynamic and changes as the need for services is identified, initiated and implemented. As changes in society emerge, the SCWA and the SSW endeavor to provide leadership in the modification of public education to meet the needs of all students.

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[3] Not usually a responsibility of the SSW.

NOTE: Title of Visiting Teacher, established in 1944, was permitted to be changed to that of Supervisor of Child Welfare and Attendance, although the change was not mandatory (Act 109 of 1964).

Role re-defined by Visiting Teachers Associations, April 1973.

DUE PROCESS CLAUSE

The due process clause of the Fourteenth Amendment is becoming increasingly significant for public school students throughout the country. A growing trend of authority is firmly establishing that due process entitles a public school student to a hearing before he is subjected to severe punishment, such as expulsion or suspension for a long period.

Concerning the rights of students to an education, the late Chief Justice Warren wrote: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." It is the philosophy of the co-authors of this handbook that every possible safeguard must be observed to insure due process and preserve the rights of students.

RECOMMENDATIONS FOR DUE PROCESS

1. The principal or, in the absence of the principal, the acting principal is the only person in the school permitted to suspend or recommend expulsion of students. Before any disciplinary action can be taken, other school employees such as teachers, bus drivers, secretaries, custodians, etc., must refer disciplinary cases to the principal for appropriate disposition.

2. The student shall be given a notice in writing which states the specific charges or grounds for serious disciplinary action. The notice must state the reasons for proposed action in sufficient detail and the nature of the evidence on which the disciplinary proceedings are based. A copy of this notice shall be mailed to the parent or guardian of the student, to the superintendent, and to the supervisor of child welfare and attendance.

3. When a hearing by the superintendent's office is required, the notice shall be given in sufficient time to allow the student adequate time to prepare a defense. (Five days is suggested.)

4. When a hearing by the superintendent's office is required, the notice should indicate that the student may be represented by an attorney or any adult of his choice. (This notice should be forwarded to the student's parent or tutor by registered mail.)

5. A fair and impartial hearing by the superintendent's office shall be held for all suspensions of more than ten days and for all recommendations for expulsions.

6. A fair and impartial principal's hearing shall be held by the

principal or his designated representative prior to all suspensions and/or recommendations for expulsion.

7. In the case of a long-term suspension (more than ten days) or recommendation for expulsion, a student shall be given a fair and impartial preliminary hearing and a temporary suspension pending a hearing by the superintendent's office.

   If a hearing is not held within ten days, the student shall be allowed to return to school until the hearing is held.

8. During a hearing by the superintendent's office, a student shall be afforded the opportunity to present his version as to the charges, his side of the case, his explanation and evidence, and his case by way of witnesses, affidavits and exhibits, as he desires.

9. Records of the hearing by the superintendent's office shall be kept and made available to the student, should he desire to appeal.

10. The written decision of the superintendent for an expulsion shall be sent to the student's parent or tutor by registered mail and should contain the statement that the student may appeal the superintendent's decision within five days to the local school board, and further that the local school board's decision may be appealed to the courts, should the board's ruling be unfavorable. The provisions in Number 8 above are also applicable in Number 10 to each, the board, the student, and the superintendent.

The recommendations for due process contained herein are based on precedents set by court decisions and are in conformity with Louisiana laws. They have been reviewed and discussed in committee with a representative from the State Attorney General's office. These recommendations represent the minimum requirements of due process. Schools are encouraged to take additional steps to safeguard the rights and welfare of students.

COURT CASES AND DECISIONS

A. Due Process:

Due Process is guaranteed to citizens of the United States by the 5th and 14th Amendments to the Constitution. It is defined in the glossary of this handbook.

At one time, due process was thought to apply to judicial procedures only, however, it has been made clear through the courts that due process is not confined to the courts, but must be applicable to other agencies, including public schools whenever the possibility that a fundamental right is at stake.

The courts make it perfectly clear that neither procedural nor substantive due process is to be denied any individual.

> "The right of a student to enjoy the benefits of procedural and substantive due process has received much attention by the courts in recent years. Judge Fortas has emphasized:
>
> > 'First Amendment rights, applied in the light of special characteristics of the school environment, are available to any students. It can hardly be argued that either students or teachers shed constitutional rights to freedom of speech or expression at the school house gate. This has been the unmistakable holding of this court for almost 50 years.'
>
> > The Fifth Circuit Court concluded:
>
> > "In this day and age public agencies adopt, sometimes in utmost good faith, regulations which are considered necessary and in the best interest of the program which they administer, little realizing that at some later date the courts, with the advantage of hindsight will declare their handiwork violative of the Fourteenth Amendment. In the past several years legal thought regarding laws and regulations affecting individual rights and liberties have changed rapidly; that which was permissible a few years ago is no longer acceptable ...

The importance of school officials recognizing student rights cannot be overemphasized. Those who might overlook the issue as they struggle with the daily problems of operating the schools must take heed of the February 25, 1975 decision of the United States Supreme Court: (Woods vs. Strickland)

> "A (school) official must himself be acting sincerely and with a belief that he is doing right, but an act violating a student's constitutional rights can be no more justified by ignorance or disregard of settled, daily lives than by the presence of actual malice . . . . Therefore, in the specific context of school discipline we hold that a school board member is not immune from liability for damages under U.S.C.A. 1983 (the civil rights act of 1871) if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the students affected."
>
> Mr. Rosenberg also briefly discussed the February 25, 1975 Supreme Court ruling, noting that school board members do not have an unqualified immunity from suit, but rather a qualified one. In other words, they can be sued.

Any action which would deny a student his education must meet with minimal standards of procedural due process. A notice must be given to the student, stating the grounds on which the action is to be taken. He must be given an opportunity to defend himself, and be heard by a group that is familiar with the educational environment and one which is apparently impartial.

The United States District Court in Nebraska made several decisions dealing with procedural due process:

(1) The court indicated that there may be situations arising in which a student could be suspended prior to a hearing if the misconduct was so serious and the atmosphere of the school so tense that substantial disruption was highly probable. These occasions would not be frequent and, in most cases, the student should have an on-the-premises hearing conducted by the principal before he was suspended.

It was the opinion of Mr. Samuel Rosenberg, Attorney for the Orleans Parish School Board that "due process" is in order for all citizens and children are citizens and therefore are entitled to the right of due process. He further noted that, in the past, a suspension of ten days or less was not really significant where due process was involved, however, in the Goss v. Lopez case it was noted that the courts' view now is that students are entitled to due process including an opportunity to present their side of the story and that the student has the right to be told of what he is being accused and the basis for accusal. It was his opinion that this mandated that the principal at least tell the student why he was being suspended and given a chance to question the decision and tell his side of the story. In concurrence with the Nebraska U. S. District Court decision, he noted that if the safety of the student or other students is involved--this is an entirely different matter.

Mr. Rosenberg further stated that, although students have a right to due process, section 1983 of the Civil Code is not intended to be a vehicle by which a student can get away with everything he chooses. Mr. John Ward, Attorney for the Louisiana School Boards Association, the East Baton Rouge Parish School Board, and consultant to several other parish school boards concurred with the opinions of Mr. Rosenberg. According to Mr. Ward, "student rights have corresponding responsibilities." He further noted that the courts, educational institutions, and some citizens speak too much of rights and too little of responsibility.. "There is such a thing as unlimited rights... the right to an education does reach Constitutional proportions, however, students are attending schools financed by the public and regulated by the Legislature, the State Department of Education, and the local school boards. The authority of the local education system is paramount, subject only to the regulations placed on it by the state legislature and the courts. Local systems can do anything they desire unless it interferes with the constitutional rights of the individual...this includes that students not dress in a lewd manner; that their behavior and conduct be satisfactory, etc. ..."

Mr. Ward further stated that some students, parents, and organizations believed that the individual can do anything he wants to do. "Our responsibility is to the 90% to 95% of the students who want education--this is paramount to protecting the rights of the 2% to 5% who want to interfere."

(2) Reverting back to the United States District Court in Nebraska ruling: In such a hearing as noted in (1), a student must receive notice of the charge against him, by whom it is made, an opportunity to confront a teacher who has accused him of misconduct, and a chance to tell his version of the facts. The Court did not, however, feel the accused student had the right to the names of these who made the charges against him if the individuals were fellow students. In its decision, the Court stated:

> "Procedural due process in a pre-suspension hearing conducted by a school principal or school administrator on the school premises does not require that the anonymity afforded to students who forward information to a school principal or administrator be destroyed...the court held that the students who give information to teachers or administrators are often the subject of reprisal from students about whom the information is given..."

The Nebraska District Court cited a precedent decision of the United States Supreme Court (Morrison v. Brewer--1972) in which Chief Burger stated: "If the hearing officer determines that the informant would be subject to risk of harm if his identity were disclosed, he need not be subjected to confrontation and cross examined."

In the case of Goss v. Lopez, United States Supreme Court (1975), nine students were suspended at various high schools in Columbus, Ohio. None of the students were given a hearing or notice of the reasons for the suspensions. Ohio law empowers a principal to suspend a pupil for misconduct for up to ten days. The student's parents must be notified within 24 hours of the reasons for the suspension. There is no right to a hearing.

The U. S. District Court stated that they were denied due process of law since they were suspended without a hearing prior to or within a reasonable time thereafter. The court ordered all reference to the suspensions removed from the students' files.

DECISION: The 14th Amendment forbids the state to deprive any person of life, liberty, or property without due process of law. The state is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that clause.

The fundamental requisite of Due Process is the opportunity to be heard.

At the very minimum, students facing suspension and the consequent interference with a property interest must be given some kind of notice and afforded some kind of hearing. A student facing ten days suspension must be given written or oral notice of the charges against him and, if he denies them, an explanation of the evidence authorities have, and an opportunity to present his side of the story.

In its decision by the United States Supreme Court on January 27, 1975, the court held that even suspensions of ten days or less do deny a student of his property interest to a public education:

> "Having chosen to extend the right to an education to the people of appellees class generally, (the state) may not withdraw that right on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct has occurred."

The Supreme Court stated the following guidelines for suspensions of ten days or less:

(1) The student shall be given oral or written notice of the charges against him, and if he denies them, an explanation of the evidence the school has, and an opportunity to present his side of the story.

(2) There need be no delay between the time notice is given and the actual hearing. In a majority of cases the principal may informally discuss the alleged misconduct with the student minutes after it has occurred.

(3) Since the hearings may occur almost immediately following the misconduct, generally, the notice and hearing should precede the suspension.

(4) In cases where the presence of the student poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student may be immediately removed from the school. In such cases, the notice and hearing should follow as soon as practical.

(5) Suspensions longer than ten days or expulsions require more formal procedures.

In rendering its January 22, 1975 decision, the Supreme Court stated:

> "In holding as we do, we do not believe that we have imposed procedures on school disciplinarians which are inappropriate in classroom setting. Instead, we have imposed requirements which are, if anything, less than a fair minded school principal would impose upon himself in order to avoid suspension."

In essence, the Supreme Court decision simply involved letting the student and his parents know why disciplinary action is being considered and allowing a chance for the student and/or his parent to give their side of the story. Procedural Due Process is simply fair play.

On the other hand, Substantive Due Process, is aptly described in Supreme Court Justice Portas' statement:

> "In order for the State in the person of school officials to justify prohibition of a particular expression, it must be able to show that its action was caused by something more than a mere decision to avoid discomfort and unpleasantness that always accompany a popular viewpoint.
>
> Certainly where there is no finding and no showing that engaging in forbidden conduct would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, the prohibition cannot be sustained."

In the Gonyaq v. Gray case in Vermont (1973), the United States District Court summed up student rights and discipline:

> "Liberty as guaranteed by the Fourteenth Amendment does not guarantee the freedom of a school child from reasonable imposition of school discipline... Of necessity, parents must delegate some disciplinary authority over their school children to teachers who, among other things, are reasponsible for maintaining the order necessary to the educational process, despite the inevitable

> presence in the classroom of some students who would rather be elsewhere...the question is whether the punishment is reasonable related to the legitimate purpose of school discipline."

B. Search and Seizure:

To say the least, this is a very touchy matter, and many court decisions, rulings, and legal opinions have been expressed concerning this facet of student rights. Needless to say there exists areas of contradiction and confusion concerning this topic, also. Nonetheless, an attempt will be made to point out some of these court rulings and legal opinions and, as in the case of due process, policies and procedures will be established with the hope that the common sense and prudence exercised in the formulation of the same will meet our needs and avoid conflict with prevailing laws.

The big question concerning students' lockers, etc., centers around several factors; however, the most important one factor which enters into the picture concerns itself with whether the school official, in conducting the search, is acting as a private citizen in loco parentis relationship to the child or acting as an agent of the government, as are all teachers.

There exists many precedents established by court rulings and circumstances involved in the cases and the judgment of the judiciary has often varied. Of the precedents, there seem to be some which tend to justify the right of the school to search students' lockers, etc., and some which seem to invalidate the right of school officials to do the same.

According to the article by Dr. Samuel Davis, "The Supreme Court has long since held that the Fourth Amendment does not protect the individual against searches and seizures conducted by private persons not acting on behalf of the government." The Burdeau v. McDowell case, 256 U. S. 465 (1921) establishes this precedent.

There have been several cases in which the in loco parentis doctrine was applied in the case of school personnel being involved with students. This doctrine clearly spells out the fact that school officials in conducting searches of their own initiative are acting as private citizens and for that reason are not subject to the limitations of the Fourth Amendment. In re. Donaldson, California (1969) is an example. In this particular case, the vice-principal of a high school, acting on his own, conducted a search of a student's locker and discovered marijuana. The evidence he uncovered was held as admissible by the courts on the basis that the principal was acting as a private citizen.

In a similar case, People v. Steward, (1970) a New York Court ruled similarly in a case of a dean of boys who conducted a search of a student. They ruled that he was acting as a private citizen for the purpose of determining admissibility of evidence seized in the search. In another case, however, which involved a search by a disciplinary officer of the school prior to arrival of the police, the court ruled he was acting as an agent of the government. This was the case of People v. Jackson, (1971) New York.

It was the opinion of one authority that often there are two determining factors which would have a bearing on the court's deciding whether or not the search conducted was, or was not, in conflict with the right of the individual under the Fourth Amendment:

(1) Whether police officers' were involved in the search.

(2) The purpose for which the search was conducted. (When the school official acts together with law enforcement officers, the search loses its private characterization and becomes a search conducted under state authority and subject to protection of the Fourth Amendment.)

In keeping with the above, purpose of the search may need more elaboration. The Piazzola v. Watkins case in 1970, appealed and affirmed by the 5th Circuit Court of Appeals in 1971 established the point whether or not the school official was acting as an agent of the government or as a private citizen centered on whether the search was conducted for the purpose of meeting legitimate school objectives such as maintaining discipline and order or for the purpose of gathering evidence for criminal prosecution.

The in loco parentis doctrine establishes that the school official takes the place of parents with regard to the education and protection of children while they are at school. Mercer v. State in 1970 employed this doctrine by concluding that the school official, including principals, teachers, and other school officials are vested with the powers of control, restraint, and discipline over students to achieve goals of education. In this particular case, a high school principal demanded that a student empty his pockets. Police were immediately notified when the search determined that the student had marijuana in his possession. The court in this case ruled that the principal acted in loco parentis doctrine beyond its permissible scope--that a parent conducting a similar search could remain silent as the result of a similar search and not incur criminal liability and a school officer does not have the same right or privilege.

There have been occasions when the courts have upheld the right of school officials to search students' lockers on the basis that the students' possession of the lockers was exclusive only in relation to other students. Example--In re. Donaldson, Cal., (1969). In this particular case, the court ruled that the student's locker was not under his exclusive control, but was jointly controlled by school officials. In this case, the vice-principal testified that it was the custom of school authorities to search student lockers in a great variety of situations, including bomb threats; suspecting drugs, liquor, stolen goods, or weapons being hidden in the lockers.

In a similar case, People v. Overton, 20, N.Y. (1967) the court held that the school maintained a proprietary interest in student's lockers even though they had been assigned to the students for their exclusive use. In this particular case, the school kept a list of combinations of lockers and had promulgated specific rules and regulations regarding what could and could not be kept in them, subject to periodic spot checks.

Court rulings which take this view (quasi-parental relationship of school authorities to students) have a right and possibly a duty to inspect lockers for disciplinary purposes.

One of the recent questions concerning this matter involves reasonableness of the search and another question involves the capacity in which the school official is operating (i.e., as a private citizen or as a government agent).

In the case of People v. Lanthier, Cal., the court held "in any event if the search is found to have been reasonable, the search is valid regardless of the status of the school official...A search is generally reasonable if it bears a reasonable relationship to a legitimate educational interest which the school official was pursuing in conducting the search--State v. Baccion, Del. (1971), People v. Jackson, N.Y. (1971).

Some court rulings have held that a reasonable suspicion standard was satisfactory. Example--in re. Thomas, California, (1970). In this case the court felt that Fourth Amendment requirements, in cases involving school officials because of the duty imposed on school officials to care for the health and welfare of the students, the lesser standard of reasonable suspicion would be sufficient.

The Louisiana Supreme Court, however, on January 20, 1975, rendered this decision:

> "Principals and instructors, like others employed by the State through its school boards, are responsible for public education in this State and are charged with the responsibility of implementing the policies of the State in this respect...Because of the function of these school officials and their strict accountability to the State, we must conclude that these school officials, insofar as they are discharging their duties by enforcing State policies and regulations, are within the purview of the Fourth Amendment's prohibition; therefore, their students must be accorded their constitutional rights to be free from warrantless searches and seizures...We hold that a search on the school grounds of a student's personal effects by a school official who suspects the presence of possession of some unlawful substance is not "specifically established and well-delineated" exception to the warrant requirement and that the fruits of such a search may not be used by the State Prosecutorial agency as the basis for criminal proceedings."

This pretty well spells out that school officials are state agents and not acting as individuals in loco parentis. Further, the evidence found by the school official via search without a warrant cannot be used against the student in Louisiana Courts. This conclusion should serve as a caution to school officials.

Note that this court decision was a 4-3 decision and there are many legal authorities who do not concur with the Court's ruling. Among the outstanding legal authorities who do not concur with the Court's ruling are Mr. John Ward, Attorney for the Louisiana School Boards Association and consultant to several other school boards, and Mr. Samuel Rosenberg, Attorney for the Orleans Parish School Board.

Mr. Ward and Mr. Rosenberg noted in the S. C. W. A. 28th Annual Spring Conference in Baton Rouge on April 14, 1975 that school officials must use the "common sense" rule and should secure a warrant for searching a student's locker if the need arises and there is little or no likelihood of imminent danger. If there is a possibility, however, that someone is likely to be hurt, it is the responsibility of the official to do whatever is necessary to prevent harm to any person who might be adversely affected by his hesitation.

> "The school authorities have an obligation to maintain discipline over students. It is recognized that when large numbers of teenagers are gathered together in such an environment their inexperience and lack of mature judgment can often create hazards to each other. Parents, who surrender their children to this type of environment, in order that they may continue developing both intellectually and socially, have a right to expect certain safeguards."

To search or not to search a pupil, his desk, locker, etc., is a question frequently confronting school administrators. Often the issue must be decided forthwith because of the gravity of the situation--bomb threats, dangerous weapons, illegal drugs--could result in serious injury to students.

> "The Fourth Amendment of the Constitution provides for the right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated and no warrants shall issue but upon probable cause...It is for the courts to ascertain what constitutes reasonable search or seizure."

Mercer v. State (1970)--A Texas court held that a principal was acting in loco parentis, not as an arm of the state when he discovered marijuana in a student's pockets...and was not subject to the Fourth Amendment, not being an arm of the law...The Fourth Amendment was intended to protect individuals from unauthorized governmental searches.

People v. Jackson (1971)--In this particular case, the court ruled that the school' did not have an unlimited right to search a student, but it would be permissible if the official of the school had "reasonable suspicion" that something of illegal nature was in possession of the student.

State v. Baccion (1971). This case involves a student who was brought to court for being out of class without authorization. The student was carrying a coat which the vice-principal attempted to take from the student as insurance that he would return to class. In a tug-of-war, the vice-principal won and found 10 packets of hashish. The case was resolved in the Superior Court of the State of Delaware after an arrest by the State Police had been made.

The legal issue involved here concerned whether the vice-principal had acted as an agent of the law or as a private individual. In Delaware, a principal stands in loco parentis to pupils under his charge for disciplinary action, at least for purposes which are consistent with the need to maintain an effective educational atmosphere. There exists some controversy, however, since 42 U.S.C.; 1983 requires principal's action to be "state action" for a federal court to recognize a cause for action. There seems to be some question here as to whether a school official could also be a private individual for purposes of the Fourth Amendment at the same time. Yet it is still not certain that criminal law is automatically incorporated into the school system in this particular state. "The Fourth Amendment is the line which protects the privacy of individuals including students but only after taking into account the interests of society."

The court ruled that the vice-principal's search of the student's jacket did not violate the constitution since the vice-principal stood in loco parentis, however, it was pointed out by the court that there existed reasonable suspicion for the search. The court further stated that the principal was not a private individual, but rather a state official in this case and that he was not immune from search and seizure prohibitions and had he operated in the absence of power of in loco parentis or other extenuating circumstances, he would have been in violation of the constitution.

People v. Overton, N. Y. (1967)--In this particular case, three detectives had a search warrant and went to a high school for the purpose of searching two students and their lockers (warrant specified both).

The warrant was presented to the vice-principal and the students were called down and searched; nothing was found, however, a search of the lockers revealed four marijuana cigarettes.

The defense moved to invalidate the portion of the warrant which directed search of the lockers, on grounds that the papers were defective and the court granted the motion, however, a motion by the defense to suppress evidence was denied on the grounds that the vice-principal had granted permission to search the lockers and he had the right to do so.

The power of the vice-principal to give his consent to the search arises out of his distinct relationship to the students. "School authorities have an obligation to maintain discipline over students. It is recognized that when large numbers of teenagers are gathered together in such an environment, their inexperience and lack of mature judgment can often create hazards to each other. Parents who surrender their children to this type of environment, in order that they may continue developing both intellectually and socially, have a right to expect certain safeguards."

Additionally, when the student had been assigned his locker, he, like the other students, gave the combination to the homeroom teacher, who, in turn, returned it to the office where it was kept on file. Further, the students were well aware that the school authorities possessed the combinations of their lockers. Their privacy in the use of lockers was in respect to other students. Also the vice-principal testified that he had, on occasion, inspected the lockers of students.

There is a question of whether or not a school would be properly discharging its duty if it failed to retain control of lockers. Inspection of lockers might be more than a right of school authorities. It may be considered a duty when suspicion arises that someone is hiding something of an illicit nature there.

People v. Jackson (1971)--In this particular case a student escaped the Coordinator of Discipline of the school when he had detected a bulge in the student's pocket. He then chased the student and caught him off the school premises. He discovered that the student had confiscated a set of "works" including a syringe, eyedropper, etc.

It was ruled by the court that the coordinator was acting in loco parentis and had the right to search the student especially since he had a high degree of suspicion.

The Fourth Amendment of the Constitution does not forbid all searches and seizures; it only forbids unreasonable searches and seizures.

The coordinator was considered acting as a governmental agent and not as an individual. He had the responsibility to perform this particular duty. In loco parentis did not end at the school door.

The court ruled that the school official did indeed have authority to search the student although he caught him off the school grounds.

C. Corporal Punishment:

The vast majority of courts and the people have generally accepted the idea that schools must have the authority to physically punish children if classroom decorum and discipline is to be maintained. Today the entire concept is being challenged. For your information, court rulings in two distinct cases will be noted:

> "The most advanced educational theory opposes corporal punishment in the school. By and large, the administration of our schools support this theory. However, it must be recognized that situations arise which can be considered exceptions to the rule. When other means have repeatedly failed, it may be necessary for school authorities to administer a "spanking" to some recalcitrant pupil. When this is necessary, the punishment shall be administered by the school principal or if administered by a teacher it should be witnessed by the principal or his delegated representative in his absence."

The complaint alleged that corporal punishment serves no legitimate educational purpose and tends to inhibit learning, retard social growth, and force acceptance of inferior class position...subjects him to further humiliation because of the public or semi-public character of the act as it is practiced and that psychological harm is done by the infliction of corporal punishment.

Neither the counsel's briefs nor the Court's research could reveal a single reported case wherein such punishment was banned as invading the constitutional right of equal protection of students. The Fourteenth Amendment's pertinent language is: "No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States."

The court (United States District Court D. New Mexico) found no authority and counsel for the plaintiff cited none which held that a regulation, which does not conform to progressive educational expertise respecting the imposition that corporal punishment transgresses the privileges and immunities of federal citizenship guaranteed by the Fourteenth Amendment.

It was further stated..."The Court will not act as super school board to second guess the defendants. If acts violative of reasonable school regulations be not discouraged and punished, those acts can result in the disruption of the schools themselves. If our educational institutions are not allowed to rule themselves within reasonable bounds, as here, experience has demonstrated that others will rule them to their destruction."

The Court thereby ruled that corporal punishment is not unconstitutional.

Johnson v. Horace Mann Mutual Insurance Company (Court of Appeals of Louisiana, Second Circuit, 1970)--This case revolves around a student, Jimmy Pharr, upon whom corporal punishment was administered by a physical education instructor, Mr. Zolon Stiles.

Although it is doubtful that Louisiana Law permits public school teachers to use corporal punishment, the plaintiffs did not choose to use this as the battlegfound for the defense. The trial judge's charge to the jury was stated as follows:

> "I further charge you that teachers are not prohibited from using corporal punishment; that is, spanking or whipping a child, but rather that they have discretionary authority with respect thereto and that corporal punishment must be reasonable and confined within the bounds of moderation. Thus it seems that under the law of the State of Louisiana, Mr. Zolon Stiles had the right to physically punish Jimmy Pharr if it constituted reasonable punishment and was confined within the bounds of moderation. Therefore, if you find that Mr. Stiles was reasonable and confined the physical punishment within the bounds of moderation, he was not at fault, and you must return a verdict in favor of Mr. Stiles and against Mrs. Johnson and Jimmy Pharr."

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There is no Louisiana statute cited which established the right of teachers to use corporal punishment. The defendants did attempt to draw upon a state statute and civil code articles for an inference that teachers have the same right to corporal punishment as parents. The statute mentioned here is R.S. 17:416 (included in this pamphlet). The civil code cited was C.C. 220 which states:

> "Fathers and mothers may, during their life, delegate as a part of their authority to teachers, schoolmasters, and others to whom they entrust their children for their education such as the power of restraint and correction, so far as may be necessary to answer the purposes for which they employ them."

> NOTE: No mention is made here of Title 14 of the Louisiana Revised Statutes stated in the Civil Code of Louisiana under Article 18 of the Criminal Code of Louisiana amended through December, 1972, which states:
>
> "The fact that an offender's conduct is justifiable although otherwise criminal shall constitute a defense to prosecution for any crime based on that conduct. This defense of justification can be claimed under the following circumstances:
>
> Sub-Section 4--When the offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers..."

It can be further noted that this particular statute would not likely have had any bearing on the case, but it is worthwhile noting that such law does exist.

Civil Code 220 does not say that fathers and mothers delegate such power. It cannot even be assumed that they delegate this authority to teachers by merely sending their children to school.

The problem in this case started when Mr. Stiles struck Jimmy once for not lining up properly for a race. Later in the class he administered a whipping to the child. The child was taken to a physician who found multiple bruises of the body, behind the right ear, child was hospitalized three days and claimed he was suffering from headaches, although there is no evidence to substantiate that the headaches were caused by the whipping.

The whipping that was administered to the child had not been intended by the instructor to be as thorough as it turned out to be. The student, according to the instructor, was defiant and intentionally lined up for the 220 race in the wrong position. The instructor further stated that he had only intended to hit him two or three licks, but the student started pulling loose and pushed the instructor back. He paddled the student and the paddle broke. He then picked up a piece of it and continued whipping him.

The teacher was found to be liable and the student's mother was awarded monetary damages as reimbursement for the hospital bill. The student was awarded monetary damages for the pain, suffering, and humiliation he had sustained.

An important court decision on discipline. An April 21, 1975 decision of the Third Circuit Court of Appeals, State of Louisiana, if allowed to stand, would be a landmark in the jurisprudence affecting Louisiana teachers and schools. An LTA member supported and covered by the LTA occupational liability insurance program was sued for damages because of the utilization by the teacher of moderate corporal punishment upon a student. The Circuit Court, in rendering its decision, upheld the common law principle that teachers stand "loco parentis" (in place of the parent), and may use the *reasonable* and lawful forms of correction which parents may use to discipline children. The Court took cognizance of earlier Louisiana court decisions which were decided against teachers, but stated that in these previous cases the punishment had been *excessive* or *unreasonable*. The Court found that in this case the corporal punishment was not excessive or unreasonable. So far as we know this is the *first time* that a high state court has held that teachers stand in the same relationship to students as parents stand in relationship to their children so far as discipline in school is concerned.

This decision may, of course, be appealed, but if it is allowed to stand, it will mean that "reasonable" forms of punishment other than suspension or expulsion will be available to school teachers and school officials. This decision, however, should *not* be construed to give legal sanction to the severe beating of school children, or to any form of brutality. Any such punishment would not fall within the standards enunciated by the Court. The LTA has already sponsored bills at this legislative session which would supplement the present discipline law by declaring that teachers in Louisiana may in fact use the lawful and reasonable forms of correction or direction of school children in their care which parents may use. This is the same principle, of course, as that cited by the Third Circuit Court of Appeals.

NOTE: According to an article in the September 15, 1975 issue of The Alexandria Daily Town Talk, the State Supreme Court refused to review the decision of the Third Circuit Court of Appeals, thereby upholding the Appeal Court decision that teachers may employ corporal punishment to discipline students.

D. Symbols:

Tinker v. Des Moines Independent Community School District (1969)--This case involves students who wore black armbands to school in protest of the Viet Nam War. The principal of the school became aware of the students who were planning to wear the armbands to school two days in advance of the anticipated demonstration and warned that any students who wore the armbands to school would be suspended. Tinker was one of the students suspended. He petitioned for an injunction against school officials restraining the school board from disciplining petitioners and sought damages.

The case eventually ended up in the Supreme Court of the United States. The court held that the school authorities had acted on the basis of avoiding controversy. The armbands had been singled out for prohibition and it was an established fact that other symbols such as political buttons, Nazi Crosses, and the like had been allowed by the school prior to and concurrent with the armband restriction. The Court stated: "The prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with the school work or discipline, is not constitutionally permissible."

Guzick v. Drebus (1969)--Guzick was a high school senior in a high school in Cleveland, Ohio and Drebus was his principal.

The case involved wearing an anti-Viet Nam war button. The student refused to remove the button and he was suspended. The case was appealed to the courts. At this particular high school there was a longstanding rule that no buttons or symbols were permissible unless they were directly related to some school function. Additionally, there had been several disruptions between students and it was an established fact that displays of symbols had contributed to the problem.

The United States District Court upheld the school policy on three bases: (1) The rule was one of longstanding; (2) The rule had been consistently enforced; and (3) There was valid educational justification for the rule (i.e. prevention of disruptions).

These two cases demonstrate the difference between arbitrary and capricious rules established to insure sound educational doctrine.

CONFIDENTIALITY

All existing state and federal laws, as well as recent state and federal supreme court rulings, should be adhered to in the treatment of all records that are legally classified as confidential documents.

Student workers in the office of the supervisor of child welfare and attendance, school social worker, and the principal's, or the superintendent's office will not be allowed to view or have access to or in any way learn of the contents or dispositions of any documents that are legally classified as confidential documents, regardless of their location in the school or school board office.

PART II

PROCEDURES, DIRECTIONS, AND FORMS

CONFIDENTIALITY

AND

AN ADMINISTRATOR'S GUIDE

TO

THE BUCKLEY AMENDMENT

LOUISIANA STATE UNIVERSITY

AN ADMINISTRATOR'S GUIDE
TO THE BUCKLEY AMENDMENT

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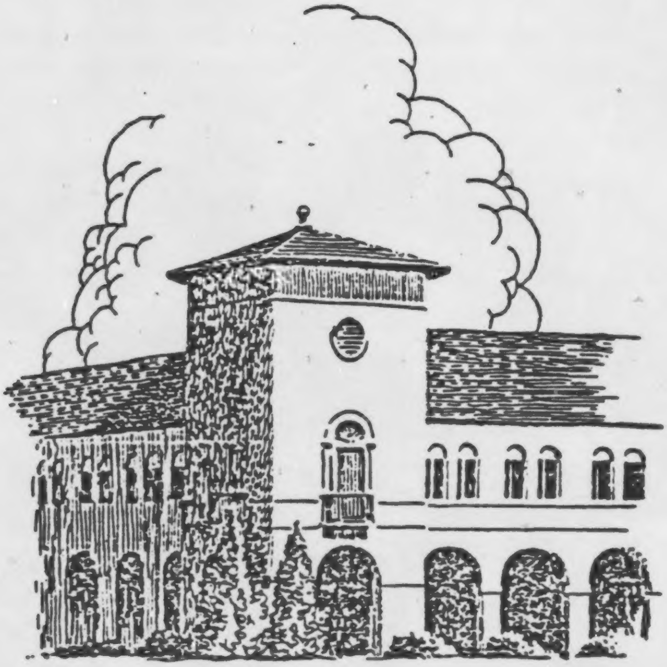

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AN ADMINISTRATOR'S GUIDE TO THE BUCKLEY AMENDMENT

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Student records are no longer considered to be confidential, according to the Family Educational Rights and Privacy Act of 1974, which became law on November 17, 1974. Commonly known as the Buckley Amendment because it was sponsored by Senator James Buckley (R-NY), the Act grants parents of students and eligible students the right to inspect, challenge, and, to some degree, control the release of information from a student's school or college file. The Act provides for denial of federal funds to institutions that do not comply.

Widespread concern and confusion regarding the ambiguities in the Buckley Amendment caused Senator Buckley to join Senator Claiborne Pell (D-RI) to sponsor clarifying amendments. Consequently, on December 19, 1974, Congress passed legislation necessary for revision and clarification.

The Department of Health, Education and Welfare, designated to administer the new statute, gave notice of a 60-day public comment period (from January 6, 1975, to March 7, 1975) and began the development of specific guidelines for compliance. The resulting HEW "Final Rule on Education Records" was published in the Federal Register on June 17, 1976.

Educators charged with any portion of the responsibility for the maintenance, storage, and use of educational records need specific guidelines to insure compliance with the terms of The Buckley Amendment. The following point-by-point analysis of the provisions of the Act seeks to provide those guidelines. The headings and subheadings employed here are directly from the outline of the Act itself.

Subpart A--General

Section 99.1 Applicability of act.

The Act applies to all educational agencies or institutions which receive funds directly from the United States Office of Education or indirectly through fees paid by students who are recipients of any Office of Education funding program. It applies to education records of students who are or have been in attendance at the educational institution which maintains the records, but it does not apply to records of applicants for admission who were never in attendance.

Section 99.2 Purpose.

The purpose of the Act is to determine and state requirements governing the protection of privacy of parents and students with respect to education records.

Section 99.3 Definitions.

Definitions of key terms essential to the interpretation of the Act include:

Act means the General Education Provisions Act, Title IV of Public Law 90-247, as amended. Title IV of the Act is that portion commonly known as the Buckley Amendment.

Attendance includes, but is not limited to (a) attendance in person or by correspondence, and (b) the period during which a person is working under a work-study program.

Commissioner means the U.S. Commissioner of Education.

Directory information may include the following student information:

student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, and other similar information as determined by the student.

Disclosure means permitting access to or any communication of education records of the student or the personally identifiable information contained in the education records by any means to any party.

Educational institution means any public or private institution which is the recipient of funds through the U.S. Office of Education. The term refers to the institution as a whole, including all its components (such as schools or departments in a university).

Education records means those records which are (1) directly related to a student and (2) maintained by an educational institution or by a person acting for it. The term does not include:

(a) Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker, and which are not accessible or revealed to any other individual except a substitute. A "substitute" is an individual who performs on a temporary basis the duties of the individual who makes the record.

(b) Records of a law enforcement unit of the institution which are maintained apart from other institutional records, maintained solely for law enforcement purposes, and not disclosed to individuals other than law enforcement officials of the same jurisdiction, provided that education records maintained by the institution are not disclosed to the personnel of the law enforcement unit.

(c) Records relating to an employee of an educational institution which are made and maintained in the normal course of business, relate exclusively to the individual's capacity as an employee, and are not available for use for any other purpose. (Records of an individual who, while in attendance at the institution is employed as a result of his or her status as a student or education records.)

(d) Records relating to an eligible student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, to be used only in connection with the provision of treatment to the student, and not disclosed to anyone other than individuals providing the treatment, provided that the records can be personally reviewed by an appropriate professional of the student's choice. "Treatment" does not include remedial or other educational activities which are part of the program of instruction at the institution.

(e) Records of an educational institution which contain only information relating to a person after that person is no longer a student at the institution (such as information collected on the accomplishments of alumni).

(f) Non-academic records kept by seminaries, schools, or departments of divinity or theology within colleges or universities and which contain information on the spiritual and psychological development of candidates for positions in a religious order pose complex constitutional questions not treated in the final regulations and must be considered on a case by case basis.

Eligible student means a student who has attained the age of eighteen or is attending a post-secondary educational institution.

Financial aid means a payment of funds to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at an educational institution.

Institution of post-secondary education means an institution which provides education to students beyond the secondary, or grade 12, level.

Panel means the body which will adjudicate cases concerning challenge of records.

Parent includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The institution may presume the parent has the authority to exercise the rights inherent in the Act unless it has been provided with legal evidence to the contrary (as in the case of divorce, separation, or custody).

Party means an individual, agency, institution, or organization.

Personally identifiable means data or information which includes: (1) the name of a student, the student's parent, or other family member; (2) the address of the student; (3) a personal identifier, such as a social security number or student number; or (4) a list of personal characteristics or other information which would make the student's identity easily traceable.

Record means any information or data recorded in any medium, including, but not limited to handwriting, print, tapes, film, microfilm, and microfiche.

Secretary means the Secretary of the U.S. Department of Health, Education, and Welfare.

Student includes any individual with respect to whom an education institution maintains education records. The term does not include an individual who has not been in attendance at an institution; therefore one who has applied for admission is not a "student" until he has been in attendance at the institution. If an individual is or has been in attendance in one component unit of a post-secondary institution, his application for admission to a second component unit of that institution does not gain him the right to inspect the records accumulated by the second unit until he has enrolled therein.

Section 99.4 Student rights.

Parents of student hold all rights under the Act until the student has attained the age of eighteen years or entered a post-secondary institution, after either of which the rights become those of the eligible student. In cases where the eligible student remains a financial dependent of the parents, both the eligible student and the parents may claim the rights provided.

Section 99.5 Formulation of institutional policy and procedures.

Each institution must formulate a written policy pertaining to education records and must, upon request, provide copies to parents of students and to eligible students. The written policy must:

(1) Inform parents of students and eligible students of their rights;

(2) Permit parents of students or eligible students to inspect and review the education reocrds of the student, including at least

  (a) A statement of the procedure to be followed to request to inspect and review the student's education reocrd,

  (b) A statement of the circumstances in which the institution may deny a request for a copy of such records (for example, even though the institution may not deny access to an education record, it can deny a copy of a record on which a financial "hold" exist),

  (c) A schedule of fees for copies, and

  (d) A listing of the types and locations of education records maintained by the institution with the titles and addresses of the officials responsible for those records;

(3) Inform parents of students and eligible students that no personally identifiable information from the education records will be disclosed without this prior written consent except where prior written consent is not required. In cases where prior written consent is not required (treated in Section 99.31), the policy must specify the criteria the institution will use for determining which parties are "school officials" and what is considered to be a "legitimate educational interest." A specification of the personally identifiable information to be designated as directory information must also be included;

(4) Provide for the maintenance of the record of disclosures of personally identifiable information from the education records of a student and permit a parent or an eligible student to inspect that record;

(5) Provide a parent of the student or the eligible student with an opportunity to seek the correction of education records of the student or place a statement in the education records of the student.

Section 99.6 Annual notification of rights.

Each educational institution must provide parents of students and eligible students an annual notice of the location where copies of the written policy (from Section 99.5) can be obtained. Any reasonable conveyance (annual catalog, bulletin, newsletter, student newspaper, etc.) of the notice is acceptable.

Section 99.7 Limitations on waivers.

Parents of students or an eligible student may waive any or all rights under the Act. Any waiver is subject to the following limitations:

(1) A waiver must be in writing and be signed by the parent or student, as appropriate.

(2) The institution may request a waiver, but it may not require it.

(3) An applicant for admission or a student in a post-secondary educational institution may waive the right to inspect and review confidential letters and confidential statements of recommendation if:

(a) The names of those providing such documents are given upon request;

(b) The documents are used only for the purposes for which they were originally intended;

(c) Such waiver is not required as a condition of admission or as a prerequisite for other institutional services or benefits.

All waivers in this category must be executed by the individual, regardless of age, rather than by the parent of the individual.

(4) A waiver may be executed with respect to specified classes of (a) educational records and (b) persons or institutions.

(5) A waiver may be revoked, but a student would be able to inspect only those documents placed in his or her education records after the date of revocation.

(6) The revocation of a waiver must be in writing.

(7) If a parent of a student executes a waiver, that student msy revoke the waiver at any time after he or she becomes an eligible student.

Section 99.8 Fees.

An educational institution may charge a reasonable fee for copies of education records which are made for parents of students or eligible students. No fee may be charged, however, to search for or to retrieve the education records of a student.

Subpart B--Inspection and Review of Education Records

Section 99.11 Right to inspect and review education records.

Each educational institution must grant parents of students and eligible students access to inspect and review the education records of the student within 45 days of their request. The institution may require that a staff member be present during inspection and review, but the institution's representative must provide reasonable explanations and interpretations of the records when so requested. Copies of the records must be provided if failure to provide copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

An educational institution may presume that either parent of the student has the authority to inspect and review the education records of the student unless it is provided with legal evidence to the contrary. In the absence of such evidence the institution is not required to exercise judgment over such matters as divorce, separation, or custody.

Section 99.12 Limitations on right to inspect and review education records at the post-secondary level.

An institution of post-secondary education is not required to permit a student to inspect and review the following records:

(1) Financial information submitted by parents;

(2) Confidential letters and confidential statements of recommendation which were placed in the education records of the student prior to January 1, 1975, provided these documents were collected under established policies of confidentiality and were used only for the purposes for which intended.

(3) Confidential letters or recommendations with respect to admissions, employment, or honors to which students have waived their right to inspect and review.

If the education records of a student contain information pertaining to more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information which concerns that student.

Section 99.13 Limitation on destruction of records.

An educational institution may destroy any education records it chooses so long as there is no outstanding request to inspect and review those destroyed. Explanations placed in the record by parents of students or eligible students and records of disclosures and requests for disclosures must be maintained so long as the basic record to which the explanation or request pertains is maintained.

Subpart C--Amendment of Education Records

Section 99.20 Request to amend education records.

The parent of a student or an eligible student may challenge any information in the student's education record if the parent or student feels that the information is inaccurate or misleading or in violation of the privacy or other rights of the student. The educational institution must decide within a reasonable time whether to amend the record as requested. Should the institution decide against amending the record, the institution must inform the parent or the eligible student of the refusal and of the right to a hearing.

Section 99.21 Right to a hearing.

An educational institution must, on request, provide an opportunity for a hearing to consider a challenge of the content of an education record. If, as a result of the hearing, the institution agrees that the challenge is valid, it shall amend the record and so inform the parent or eligible student in writing. If the institution does not accept the challenge as valid, it must inform the parent or eligible student of their right to place in the education record a statement commenting on the challenged information in the record. Such a statement must remain a part of the education record so long as the record is maintained, and it must be made available to any party who sees the contested portion of the record to which it applies.

The right to a hearing may not be used to contest the assignment of a grade, but a hearing may be requested to contest whether the assigned grade was recorded accurately in the education records of the student.

Section 99.22 Conduct of the hearing.

When requested, the hearing must be held within a reasonable period of time, and the parent or the eligible student must be given reasonable advance notice of the date, place, and time. The hearing may be conducted by any party, including an official of the institution, who does not have a direct interest in the outcome of the hearing. The parent or eligible student shall be afforded a full and fair opportunity to present relevant evidence and may be assisted or represented by one or more individuals of their choice (including an attorney) at their own expense.

The institution shall make its decision based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision, in writing, within a reasonable period of time after the conclusion of the hearing.

Subpart D--Disclosure of Personally Identifiable Information From Education Records

Section 99.30 Prior consent for disclosure required.

Except for disclosure to the parent of a student who is not an eligible student or to the eligible student, an educational institution must obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student. (Additional exceptions are directory information and the specific exceptions included in the next section, 99.31) The institution may presume that the parent of the student or the eligible student giving consent has the authority to do so unless specific legal documents to the contrary have been made known to the institution.

The written consent must be signed and dated by the individual giving the consent and shall specify the records to be disclosed, the purpose or purposes of the disclosure, and the party, or class of parties, to whom disclosure may be made. A copy of any record disclosed by virtue of written consent for such disclosure must be made available to the parent of the student or the eligible student if so requested.

Section 99.31 Prior consent for disclosure not required.

An educational institution may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is: (1) to officials and teachers of the institution who have legitimate educational interests; (2) to officials of other educational institutions in which the student seeks to enroll; (3) to authorized representatives of the Comptroller General of the United States, the Senators, the Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or state educational authorities; (4) to administrators of financial aid; (5) to State and local officials to whom information is required to be reported by State statute adopted prior to November 19, 1974; (6) to educational research organizations; (7) to accrediting organizations; (8) to parents of a dependent student; (9) in compliance with a judicial order or lawfully issued subpoena, and (10) to appropriate parties in a health or safety emergency.

Section 99.32 Record of disclosure required to be maintained.

An educational institution shall maintain with the education records of a student a record indicating the parties who have requested or obtained personally identifiable information from the education records of the student and the legitimate interests those parties had in requesting or obtaining the information. That record of disclosures may be inspected by the parent of the student or the eligible student.

The requirement of a record of disclosures does not apply to disclosures to a parent of a student or an eligible student, disclosures according to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials or to disclosures of directory information.

Section 99.33 Limitation on redisclosure.

An educational institution may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student.

Section 99.34 Conditions for disclosure to officials of other schools and school systems.

An educational institution which transfers to another institution the education records of a student who has made application to that other institution must make a reasonable attempt to notify the parent of the student or the eligible student of the transfer at the last known address of the parent or eligible student unless (1) the transfer was initiated by the parent or eligible student or (2) the institution includes a notice in its written policies on education records that it forwards education records on request to a school in which a student seeks or intends to enroll.

Section 99.35 Disclosure to certain Federal and State officials for Federal program purposes.

Certain Federal and State officials and agencies, as listed in Section 99.31 (a) (3), may have access to student and other records which may be necessary in connection with the audit and evaluation of Federally supported education programs or in connection with the enforcement of or compliance with the Federal legal requirements which relate to these programs. Except when appropriate prior written consent has been obtained or when the collection of personally identifiable information is specifically authorized by Federal law, any data collected should be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for the specific purpose for which it was collected.

Section 99.36 Conditions for disclosure in health and safety emergencies.

An educational institution may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Section 99.37 Conditions for disclosure of directory information.

An education institution which wishes to designate and disclose directory information shall give public notice of the categories of personally identifiable information included, the rights of the parent or the eligible student to refuse to permit release of any or all directory information which pertains to that student, and the period of time within which the parent or the eligible student must inform the institution in writing that such directory information is not to be released for that student.

Subpart E--Enforcement

Section 99.60 Office and review board.

The Secretary is required to establish or designate an office and a review board to investigate, process, and review complaints of alleged violations. The address of that office is: The Family Educational Rights and Privacy Act Office (FERPA), Department of Health, Education and Welfare, 330 Independence Avenue, SW, Washington, D. 20201.

Section 99.61 Conflict with State or local law.

An educational institution which determines that it cannot comply with requirements of the Act because of conflict with State or local law must notify the office and review board within 45 days of any such determination.

Section 99.62 Reports and records.

Each educational institution shall submit reports and keep records pertaining to the Act as required by the Office of the Review Board.

Section 99.63 Complaint procedure.

Complaints regarding violations of rights accorded parents and eligible students by the Act shall be submitted to the Office in writing. The Office will notify those involved in writing, investigate the complaints, and provide written notice of its findings to all involved. If an institution which has been notified of lack of compliance fails to take corrective steps, the matter will be referred to the Review Board for a hearing.

Section 99.64 Termination of funding.

After it has been determined that an institution has failed to comply with the regulations of the Act, all Federal funds which come to it through the U.S. Office of Education may be terminated on the recommendation of the Secretary if voluntary compliance is not forthcoming.

Section 99.65 Hearing procedures.

The Chairman of the Review Board shall designate Hearing Panels to conduct hearings necessitated by the complaint procedure.

Section 99.66 Hearing before Panel or a Hearing Officer.

The Hearing Panel Chairman determines whether a hearing will be conducted before the Hearing Panel or before a hearing officer he designates.

Section 99.67 Initial decision; final decision.

The decision resulting from a hearing is communicated in writing to the parties involved and to the Secretary. The initial decision from the hearing becomes the final decision of the Secretary, unless the Secretary makes known his intention to review the decision.

REFERENCE.

FEDERAL REGISTER, Vol. 41, No. 118, Thursday, June 17, 1976

FORMS MAINTAINED

BY

SUPERVISORS OF CHILD WELFARE AND ATTENDANCE

FORMS MAINTAINED BY SUPERVISORS OF CHILD WELFARE AND ATTENDANCE

Form LA C-3	Family Sheet
Form LA C-5	Child's Card
Form LA C-6	Report of Number of Educables
Form LA C-8	Dropout Card
Form LA C-9	Report and Summary of Dropouts
Form LA C-12	State Attendance and Adjustment
Form LA C-14	Parish and State Suspension/Expulsion Compilation (White)
Form LA C-15	Parish and State Suspension/Expulsion Compilation (Black)
Form LA C-16	Perfect Attendance Certificates (Types I and II)
Form LA C-18A LA C-18B	Requisitions of State-Furnished Forms
Form LA C-19	SCWA-SSW Evaluative Form

All requests for forms are to be made to:

Lukey Chiniche AND Francis Antill
State Supervisors
Child Welfare and Attendance and
Social Work Services
State Department of Education
P. O. Box 44064
Baton Rouge, Louisiana 70804

THESE ARE THE ONLY FORMS TO BE SENT TO THE STATE DEPARTMENT OF EDUCATION

(Note their due dates)

1.	April 1	Count of Educables (Form LA C-6)
2.	April 30	Order Form for Attendance Certification (Form LA C-18B) (Six weeks prior to graduation)
3.	May 15	Requisition Forms (State Furnished Supplies,) (Form LA C-18A)
4.	July 15	Report and Summary of Dropouts (Form LA C-9)
5.	July 15	Causes of Poor Attendance and Adjustment Problems (Form LA C-12)
6.	July 15	Suspension and Expulsion (Form LA C-14 and LA C-15)
7.	August 1	SCWA-SSW Evaluative Form (Form LA C-19)

Mail all reports to:

Lukey Chiniche or Francis Antill
State Supervisors
Child Welfare and Attendance and
Social Work Services
State Department of Education
P. O. Box 44064
Baton Rouge, Louisiana 70804

REPORT OF EDUCABLES
(DIRECTIONS)

1. Count all Form LA C-5's by year groups.
2. Fill in columns.
3. The figures appearing in each year is the number of educables for that year ONLY.
4. Mail to State Supervisor of Child Welfare and Attendance on or before April 1.

FORM LA C-6

REPORT OF EDUCABLES

____________________PARISH
(Mail to State on or before April 1)

SAMPLE

YEAR	WHITE	BLACK	TOTAL
1981			
1980			
1979			
1978			
1977			
1976			
TOTAL PRE-EDUCABLES			
1975			
1974			
1973			
1972			
1971			
1970			
1969			
1968			
1967			
1966			
1965			
1964			
1963			
TOTAL EDUCABLES			

MAIL TO: STATE SUPERVISOR OF CHILD
WELFARE AND ATTENDANCE
STATE DEPARTMENT OF EDUCATION
P. O. BOX 44064
BATON ROUGE, LA 70804

____
PARISH SUPERINTENDENT

____
PARISH SUPERVISOR, CHILD WELFARE

SURVEY OF EDUCABLES, FORM LA C-7

The Survey of Educables form is self-explanatory, if the census cards are kept in the parish office and the cards are posted annually. If the cards are not kept and the census count is determined by data processing, a system must be set up to categorize each of the headings. Some of the categories come from the annual statistical report. This report is valuable to the local systems and should be kept, but is no longer required to be sent to the State Department of Education.

FORM LA C-7

T O T A L

_______________ PARISH

SURVEY OF EDUCABLES

19__ - 19__

A. NUMBER OF ☐ White ☐ Black children (6-18) whose census records show attendance for the session prior to Jan. 2. TOTAL		
B. PLUS		
1. Receiving homebound instruction		
2. Using Executone		
3. In special classes but not on regular rolls		
4. In hospital classes		
5. In correctional institutions		
6. In mental institutions		
7. In State School for the Blind		
8. In State School for the Deaf		
9. In State School for Spastics		
10. In school outside (but belonging to) parish		
11. Attending trade schools		
	TOTAL	
C. PLUS		
1. Graduated		
2. Six-year-olds		
3. Over compulsory school age		
4. Residence more than 1 1/2 miles from bus route		
5. Residence more than 2 1/2 miles from school - no bus		
6. Mentally handicapped (not institutionalized)		
7. Physically handicapped		
8. Married		
9. Illness of child		
10. Illness of parent(s)		
11. In Armed Forces		
12. Died (not yet reported or reported with survey)		
13. Held in files to determine residence		
14. Reported as losses with this survey		
15. Other (give reason for non-registration)		
	TOTAL	
D. PLUS (non-registered but illegally out of school) TOTAL		
E. TOTAL of A plus B plus C plus D should equal number of educables as of January 2, current year. GRAND TOTAL		

DROPOUT CARD FORM LA C-8

The Dropout Card is to be used by the school in accounting to the office of the superintendent and the SCWA/SSW those students who have dropped out of school (regular public, private or parochial). Dropout cards are due in the parish office at the end of each parish reporting period.

Students who enter other public, private or parochial schools are not dropouts.

Account for all students, regardless of age, who entered school and later dropped out.

*Complete only for pupils who terminate their attendance in a (regular public, private or parochial) school during the current school session. Students that are expelled from school are to be counted as dropouts. Do not complete for transfer pupils (TO OTHER PARISHES, STATES OR COUNTRIES).

Students that transfer to an alternative school, trade school, adult education center, or any school other than the regular public, private, or parochial school which does not follow the curriculum and attendance regulations set forth for those students pursuing a regular state diploma are considered dropouts.

The card is to be completed by school counselor or principal.

FORM LA C-8

SCHOOL DROPOUT CARD SESSION ____________________

INSTRUCTIONS: Complete for each pupil who dropped out during the current school session. Do not complete for transfer pupils (withdrawals). Indicate N/A whenever information is unknown or unavailable.

Name of School	Dropout Date	Term Regular____ Summer____	Grade	Sex Male____ Female____

Name of Student ________________________________ Last First Middle	Age ________	Birthdate ________	Race ________	Home Address ________________

Mother________________ Occupation______________	Living________________ Deceased______________	Education	Broken Home Yes___ No_____	No. of other children in family__________
Father________________ Occupation______________	Living________________ Deceased______________	Education ______________	Does school have Guidance Program? Yes____ No_____	Did child receive counseling? Yes____ No_____

No. of times student Suspended__________ Expelled__________	Days absent this session ______________	Date last attended __________	Participation in extracurricular activities Many____ Few_____ None_____	Reading Grade Level ______________

Scholastic Rating: Achievement:

Ability: High________ Average_______ Low______________ High______________ Average____________ Low______________

Reasons for dropping: 1. Community environment________________ 2. Educational problems________________

3. Family problems______________ 4. Health problems (Child and/or Family)______________________

5. Personality and adjustment problems (Child)____________ 6. Economic problems____________ 7. Marriage__________

Past Record: Poor Attendance ______ Yes ______ No   Suspension ______ Yes ______ No

Previous Dropout ______ Yes ______ No   Permanent Drop ______ Yes ______ No   Expulsion ______ Yes ______ No

TO BE COMPLETED BY SCHOOL COUNSELOR OR PRINCIPAL ______________________ Signature   ______________________ Title

DROPOUT REPORT FORM LA C-9

The Dropout Report is to be submitted to the office of the State Superintendent of Education annually.

The report is compiled on the basis of dropout cards submitted by each school to the local SCWA/SSW.

Educational accountability can be achieved by collecting and analyzing data on school dropouts only if counselors, teachers, principals, school boards, administrative staff, parents, and the entire community make an effort to remove factors contributing to the Dropout Problem.

The Dropout Report, Form LA C-9, pages 1, 2, 3, 4, and 5, is due in State Department by July 15.

REPORTS ON SCHOOL DROPOUTS

Summer 19____

Regular Session 19____ - 19____

DIRECTIONS

Please follow the directions below in compiling figures on school dropouts occurring from the close of the 19____ - 19____ session to the close of the 19____ - 19____ session. In order that there be validity in the statewide compilations, uniformity of procedure for arriving at individual parish and city figures is basic.

1. Please complete all parts of the form.
2. Wherever an asterisk (*) occurs, the total figures must equal the total dropout figures as reported by all of the schools of your system.
3. In the absence of an asterisk (*), the figures will not equal the total number of dropouts as reported by your schools.
4. Be certain that your summer dropouts are included in the regular breakdowns along with your regular dropouts. However, we are requesting that you make a summary of your summer dropouts as distinguished from dropouts during the school year. Do not include them twice.
5. In Part I, you will note that all students regardless of age who enrolled in school are considered.
6. In Part II, students in all grades as well as special education and ungraded classes are considered.
7. Part III, Section A, should be completed for the student's own parents.
8. Part III, Section B, a student should be counted if he has been suspended or expelled.
9. Part III, Sections C and D, are self-explanatory.
10. The reading level of the student should be indicated here.
11. The arbitrary figure of 20 has been selected as being excessive absences. A dropout who has missed fewer than that number of days during the last session he was in school should not be included in the count of Part III, Section F. One who has missed 20 or more days should be included.

12. Part III, Section G, is self-explanatory.

13. Part III, Section H, is with reference to the dropout's past record.

14. Indicate that which best describes the reason for dropping out.

15. Please complete the summary sheet so that you, as well as the state office, can evaluate the problem of summer interim dropouts in relation to dropouts occurring during the regular school session. Note carefully the explanation concerning re-entries.

16. Attached hereto is a copy of the evaluation of school dropouts. The real value of your collecting and analyzing data on school dropouts will only come as you, counselors, teachers, principals, school boards, administrative staff, parents, and the entire community try to remove or correct those factors contributing to the dropout problem.

17. Fill out a dropout card on all students that leave our elementary and secondary public school system during current school year and the summer preceding current year. If they enter another phase of education (adult education, Job Corps., etc.) they are still considered a drop from our system.
(We are not meeting their needs, evidently.)

FORM LA C-9 (SEND COPY TO STATE DEPARTMENT OF EDUCATION BY JULY 15)

______________________ PARISH

REPORT ON SCHOOL DROPOUTS

PAGE 1

19__ - 19__

I. SEX OF DROPOUT AGE LEVEL

WHITE:	NA	Below 6	6	7	8	9	10	11	12	13	14	15	16	17	18	Over 18	TOTAL
Male																	
Female																	
*TOTAL																	

BLACK:	NA	Below 6	6	7	8	9	10	11	12	13	14	15	16	17	18	Over 18	TOTAL
Male																	
Female																	
*TOTAL																	

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

II. SEX OF DROPOUT GRADE LEVEL

WHITE:	Spec. ed. kindergarten & ungraded	NA	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
Male															
Female															
*TOTAL															

BLACK:	Spec. ed. kindergarten & ungraded	NA	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
Male															
Female															
*TOTAL															

*WHENEVER AN ASTERISK OCCURS, FIGURES SHOULD EQUAL TOTAL NUMBER OF DROPOUTS

FORM LA C-9 (SEND COPY TO STATE DEPARTMENT OF EDUCATION BY JULY 15)

______________________________PARISH

PAGE 2

III. FACTORS INFLUENCING DROPOUTS

A. EDUCATION ATTAINMENT OF PARENTS OF DROPOUTS	WHITE			BLACK		
	FATHER	MOTHER	TOTAL	FATHER	MOTHER	TOTAL
1. Less than 5th Grade						
2. 5th or more						
3. 8th or more						
4. 12th or more						
5. College graduate						
6. Not available						
* TOTAL						

B. SUSPENSIONS & EXPULSIONS	WHITE	BLACK

C. DROPOUTS AND INTELLIGENCE	WHITE	BLACK
Scholastic Ratings		
1. High		
2. Average		
3. Low		
4. Not available		
* TOTAL		
Achievement		
1. High		
2. Average		
3. Low		
4. Not available		
* TOTAL		

FORM LA C-9 REPORT ON DROPOUTS (PAGE 3) ____________ PARISH

D. DROPOUTS AND COUNSELING	WHITE	BLACK
1. Formal counseling		
2. Teacher only		
3. Other		
4. None at all		
5. Not available		
* TOTAL		

SEE NO. 9 OF DIRECTIONS

E. READING GRADE LEVEL	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1. Above grade level						
2. Grade level						
3. Below grade level						
4. Non-reader						
5. Not available						
* TOTAL						

SEE NO. 10

F. NUMBER OF DROPOUTS WITH RECORDS OF EXCESSIVE ABSENCES (20 OR MORE DAYS IN SESSION PRIOR TO DROP)	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL

G. DROPOUT'S PARTICIPATION IN EXTRACURRICULAR ACTIVITIES	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1. Many						
2. Few						
3. None						
4. Not available						
* TOTAL						

RORM LA C-9 REPORT ON DROPOUTS (PAGE 4) ____________________

PARISH

H. DROPOUTS'S PAST RECORD (16 YRS. OF AGE AND OVER)	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1. Poor attendance						
2. Previous dropout						
3. Suspensions						
4. Expulsion						
5. Permanent drop						
6. Not available						
TOTAL						

IV. REASONS FOR DROPOUTS

A. SCHOOL'S EVALUATION OF REASONS FOR DROPOUTS	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
D1. Community environment						
D2. Educational problems						
D3. Family problems						
D4. Health problems						
D5. Personality and adjustment problems						
D6. Economic problems						
D7. Marriage						

FORM LA C-9 (SEND COPY TO STATE DEPARTMENT OF EDUCATION BY JULY 15)

____
PARISH

SUMMARY OF DROPOUTS
PAGE 5

	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
REGULAR 19___ - 19___ SESSION[1]						
INTERIM SUMMER LOSSES (from close of 19___ - 19___ session to opening of 19___ - 19___ session)						
* TOTAL						

RE-ENTRIES

	WHITE			BLACK		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
DROPPED DURING REGULAR 19___ - 19___ session but re-entered during same session[1]						

* THIS FIGURE SHOULD EQUAL THE TOTAL NUMBER OF DROPOUTS, REGULAR SESSION AND INTERIM SUMMER DROPOUTS.

[1] DROPOUT CARDS ON STUDENTS WHO LEFT SCHOOL BUT WHO RE-ENTERED DURING THE 19___ - 19___ SESSION SHOULD BE REMOVED BEFORE YOU TABULATE YOUR REGULAR SESSION DROPOUTS. REGULAR DROPOUTS PLUS RE-ENTRIES SHOULD EQUAL OR APPROXIMATE THE NUMBER OF DROPOUTS AS SHOWN IN THE PRINCIPAL'S SESSION REPORTS.

CAUSES OF ATTENDANCE AND ADJUSTMENT PROBLEMS

FORMS LA C-10, LA C-11, AND LA C-12

1. Form LA C-10 for Individual Student

   One copy of Form LA C-10 must be completed for each case worked by the SCWA/SSW. All known problems should be indicated to give a detailed profile of the student.

2. Form LA C-11 Compilation of Individual Cases

   Two copies of Form LA C-11 are to be completed, one to be sent to the State Department of Education and the other to be kept in the parish. This compilation will indicate the total number of causes of problems identified by the SCWA/SSW as recorded on individual case sheets. The total number of causes will be much greater than the total number of cases.

3. Form LA C-12 Study and Evaluation of Causes of Attendance and Adjustment Cases

   Complete one form for the State Department of Education.

   Complete Section B on this form by selecting the majority cluster of problems.

4. Form LA C-10 and Form LA C-11 are not mandatory and not furnished by State Department of Education. These forms are suggested forms for keeping case records.

5. LA C-12 is due in the State Department by July 15.

FORM LA C-10

STUDENT'S NAME ____________________ BIRTHDATE __________ RACE ________ DATE ______

PRESENTING PROBLEM:

ATTENDANCE ________ ADJUSTMENT __________ SCHOOL ____________________ GRADE ________

CAUSES OF ATTENDANCE AND ADJUSTMENT PROBLEMS

1. COMMUNITY ENVIRONMENT
   - A. Undesirable recreation ______
   - B. Lack of desirable recreation facilities ______
   - C. Illegal use of child labor ______
   - D. Seasonal use of child labor (harvesting) ______
   - E. Poor housing ______
   - F. Attitude of community toward school ______
   - G. Poor cultural background ______
   - H. Lack of moral values ______
   - I. Lack of helping agencies ______
   - J. Lack of cooperation of legal authorities ______

2. EDUCATIONAL PROBLEMS
   - A. Teacher-child relationship ______
   - B. Limited curriculum ______
   - C. Academic retardation ______
   - D. Inadequate special education (quality) ______
   - E. Insufficient special education (quantity) ______
   - F. Hidden school costs ______
   - G. Attitude toward compulsory attendance ______
   - H. Lack of understanding of child growth and development ______
   - I. Lack of physical facilities ______
   - J. Lack of adequate personnel ______
   - K. Lack of recognition of the importance of individual differences ______
   - L. Inappropriate punishment ______
   - M. Insufficient SCWA services ______
   - N. Suspension and expulsion ______
   - O. Pupil-teacher ratio ______
   - P. Lack of diagnostic service ______
   - Q. Lack of school health services ______

3. FAMILY PROBLEMS
   - A. Broken home ______
   - B. Discord ______
   - C. Over-protective ______
   - D. Educational and cultural poverty ______
   - E. Rejection ______
   - F. Religion ______
   - G. Immorality ______
   - H. Lack of parental control ______
   - I. Lack of supervision ______
   - J. Neglect ______
   - K. Emotional or mental illness of parents and/or siblings ______
   - L. Jealousy ______
   - M. Temporary crisis ______
   - N. Attitude of family toward school ______
   - O. Parent-child relationship ______
   - P. Alcoholic parents ______
   - Q. Attitude toward integration ______
   - R. Unjust punishment ______
   - S. Drug-related ______

4. HEALTH PROBLEMS
   - A. Illness verified and absences established as legal ______
   - B. Family health problems indicating need for SCWA services ______
   - C. Child health problems indicating need for SCWA services ______
   - D. Health problems indicating neglect ______
   - E. Lack of community health services ______
   - F. Drugs ______

5. PERSONALITY AND ADJUSTMENT PROBLEMS
   - A. Withdrawn behavior ______
   - B. Over-aggressive behavior ______
   - C. Stealing ______
   - D. Lying ______
   - E. Sexual misbehavior ______
   - F. Phobias ______
   - G. Over-dependence ______
   - H. Poor self-concept ______
   - I. Mental retardation ______
   - J. Lack of initiative ______
   - K. Need to rebel ______
   - L. Dislike of school and teachers ______
   - M. Drugs ______
   - N. Attitude toward integration ______

6. ECONOMIC PROBLEMS
   - A. Unemployment problems ______
   - B. Inadequate finances ______
   - C. Poor management ______

SUPERVISOR OF CHILD WELFARE AND ATTENDANCE ____________________ PARISH ______________ DATE ______

FORM LA C-11

PARISH ____________________

CAUSES OF ATTENDANCE AND ADJUSTMENT PROBLEMS

DATE ____________________

PRESENTING PROBLEMS: Total Attendance ____________________ Total Adjustment ____________________

1. COMMUNITY ENVIRONMENT	BLACK	WHITE
A. Undesirable recreation		
B. Lack of desirable recreation facilities		
C. Illegal use of child labor		
D. Seasonal use of child labor (harvesting)		
E. Poor housing		
F. Attitude of community toward school		
G. Poor cultural background		
H. Lack of moral values		
I. Lack of helping agencies		
J. Lack of cooperation of legal authorities		
TOTAL....................................		

2. EDUCATIONAL PROBLEMS	BLACK	WHITE
A. Teacher-child relationship		
B. Limited curriculum		
C. Academic retardation		
D. Inadequate special education (quality)		
E. Insufficient special education (quantity)		
F. Hidden school costs		
G. Attitude toward compulsory attendance		
H. Lack of understanding of child growth and development		
I. Lack of physical facilities		
J. Lack of adequate personnel		
K. Lack of recognition of the importance of individual differences		
L. Inappropriate punishment		
M. Insufficient SCWA services		
N. Suspension and expulsion		
O. Pupil-teacher ratio		
P. Lack of diagnostic service		
Q. Lack of school health services		
TOTAL....................................		

3. FAMILY PROBLEMS	BLACK	WHITE
A. Broken home		
B. Discord		
C. Over-protection		
D. Educational and cultural poverty		
E. Rejection		
F. Religion		
G. Immorality		
H. Lack of parental control		
I. Lack of supervision		
J. Neglect		
K. Emotional or mental illness of parents and/or siblings		
L. Jealousy		
M. Temporary crisis		
N. Attitude of family toward school		
O. Parent-child relationship		
P. Alcoholic parents		
Q. Attitude toward integration		
R. Unjust punishment		
S. Drug-related		
TOTAL.........................		

4. HEALTH PROBLEMS	BLACK	WHITE
A. Illness verified and absences established as legal		
B. Family health problems indicating need for SCWA services		
C. Child health problems indicating need for SCWA services		
D. Health problems indicating neglect		
E. Lack of community health services		
F. Drugs		
TOTAL.........................		

5. PERSONALITY AND ADJUSTMENT PROBLEMS	BLACK	WHITE
A. Withdrawn behavior		
B. Over-aggressive behavior		
C. Stealing		
D. Lying		
E. Sexual misbehavior		
F. Phobias		
G. Over-dependence		
H. Poor self-concept		
I. Mental retardation		
J. Lack of initiative		
K. Need to rebel		
L. Dislike of school and teachers		
M. Drugs		
N. Attitude toward integration		
TOTAL.........................		

6. ECONOMIC PROBLEMS	BLACK	WHITE
A. Unemployment problems		
B. Inadequate finances		
C. Poor management		
TOTAL.........................		

SUPERVISOR OF CHILD WELFARE AND ATTENDANCE ____________________

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8

FORM LA C-12

STUDY AND EVALUATION OF CAUSES OF ATTENDANCE AND ADJUSTMENT CASES

The program of child welfare and attendance, in order to be effective, must measure and evaluate the extent and seriousness of the problems of children which adversely affect their school attendance and adjustment.

Review the cases handled during the current school year covering period from July 1 to June 30 and tabulate the number of children who fall into the categories listed below. Give the causes found following evaluation of the cases rather than the reason reported at the time of the referral. No attempt has been made to list causes in order of importance. Count each child under one category only and count each child in a family as a separate case. Total of B should equal A. A CASE IS AN ACTUAL INVESTMENT OF TIME AND EFFORT ON BEHALF OF OR FOR THE WELFARE OF AN INDIVIDUAL CHILD.

FORM FOR REPORTING CASES

	WHITE	BLACK	TOTAL
A. NUMBER OF ATTENDANCE AND ADJUSTMENT CASES HANDLED			
1. Attendance			
2. Adjustment			
TOTAL OF ALL CASES HANDLED			
B. EVALUATION OF PRIMARY CAUSES IN ATTENDANCE AND ADJUSTMENT CASES			
1. Community environment			
2. Educational problems			
3. Family problems			
4. Health problems (Child and/or Family)			
5. Personality and adjustment problems (Child)			
6. Economic problems			
TOTAL			
C. THE NUMBER OF CASES REFERRED TO YOUR COURTS OR COURT-RELATED AGENCIES			

COPY SUBMITTED TO STUDENT SERVICES BUREAU, STATE DEPARTMENT OF EDUCATION, NOT LATER THAN JULY 15.

DATE

PARISH SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

PARISH OR CITY

DIRECTIONS FOR EXECUTING SUSPENSIONS AND/OR EXPULSIONS

1. In conducting a hearing for possible suspension/explusion it is imperative that accurate/records be maintained of the hearing. These records may be recorded by a stenographer or taped.
   It is not necessary to obtain permission from the parties in order to have all the hearing put on tape. It is advisable though that the parties be informed that a tape recorder is being used. It is further advised that the statement informing the parties, "the tape recorder is on," be made at the beginning of the hearing.
2. Due process dictates that a fair and impartial preliminary hearing be held by the principal (or his designee) prior to the suspension of any student.
3. The student shall be given a notice in writing which states the specific charges or grounds for serious disciplinary action. The notice must state the reasons for proposed action in sufficient details and the nature of the evidence on which the disciplinary proceedings are based. A copy of this notice shall be mailed to the parents or guardian of the student.
4. All pertinent and applicable information requested on the form shall be completed.
5. It is recommended that prior to any suspension, personal contact be made with the parents or guardian by the principal (or his designee) for the purpose of soliciting cooperation, support and reinforcement in meeting the objective of education.
6. Where expulsion is recommended, a letter should be written to the superintendent, with a copy to the student and parents or guardian, stating that the student is recommended for expulsion and requesting that a hearing be held. This letter should be attached to the suspension form.

7. Form LA C-13 is to be printed by local parishes for reference in completing forms LA C-14 and LA C-15.

8. See following page for a suggested guide to a hearing by Superintendent or his designee.

A SUGGESTED GUIDE TO HEARING BY SUPERINTENDENT OR HIS DESIGNEE

It is now ________ on ____, and
Month Day Year

we are located at ____ for the purpose of
Place of Hearing

conducting a hearing for ____, who was
Name of Student

recommended for ________________________________ by ________________________
Days of Suspension or Expulsion Principal

in accordance with Section 416 of Title 17 of the Louisiana Revised Statute and (school or school board policy).

Present at the hearing are ____ and
______________________________, who are designees of the superintendent,
______________________________, ____________________________, and ______________
Student Representative Witness
__________________________.

Review preliminary actions prior to hearing:

a. On ______________________________ notice was given to
Month and Date

______________________________ stating that he/she would be
Student

______________________________ by ________________________
(suspended or recommended for expulsion) Principal

and a written notice was mailed to ________________________________
(Parents)

(registered mail).

Hearing procedures -- this will be a closed hearing (no one allowed to hear the evidence unless they are associated with the case). All hearings will be recorded on tape. If the student wishes to appeal the case, a copy will be made available. He will ask the principal, ________________________________ to present the evidence upon which he based his action. You may present any witness that is knowledgeable of the facts. We are interested in the facts only. We may listen to hearsay evidence, but the case will be decided by first-hand factual testimony. We (designees) will ask questions to clarify the information only. We will try to be as objective as we can since our purpose is to find out the facts of the case. Whoever represents the student (through his parents or representative) will present testimony for the student. The principal may question the witnesses on their testimony.

All witnesses will be sworn in.

Witness -- raise your right hand.

Do you swear that the testimony you will give will be the truth, the whole truth, and nothing but the truth, so help you God?

Conduct hearing.

This information will be discussed with the superintendent. He will decide whether to uphold the principal or take some other course of action. He will notify you of his decision by mail within the next day or so. His decision in suspension cases is final. In cases of expulsion, if the superintendent's decision is unfavorable, you have a right to appeal to the St. Landry Parish School Board within five days. If the School Board's decision is unfavorable, you have a right to appeal to the District Court within ten days.

FORM LA C-13

SUSPENSION AND OR EXPULSION FORM

____
PARISH

____
STUDENT NAME

TO: MR. AND MRS. ______________________

ADDRESS ______________________

____
DATE OF CONTACT WITH PARENT BY
PRINCIPAL AND/OR S.C.W.A.

____
DATE OF HEARING WITH PARENT BY
SUPERINTENDENT AND/OR PRINCIPAL

__________ SCHOOL NO. __________ STUDENT NO. ______ GRADE

DATE ______________________

TELEPHONE NO. ______________________

BIRTHDATE ______________________

RACE ____________ SEX ____________

Your child has been suspended from ______________________ School for the period beginning ____________ and ending ____________ inclusive.

This is the first, second, third, fourth suspension and is for the following reasons: (Underline or circle the number of suspension above; list reasons below.)

1. ____
2. ____
3. ____
4. ____

We regret that it has been necessary to take this disciplinary action. If you desire further information concerning this matter, you may contact me at Telephone No.__________.

We are hopeful that our coordinated efforts will lead to better understanding and a solution to the problem.

LOUISIANA LAW PROVIDES THAT A STUDENT MAY BE RECOMMENDED FOR EXPULSION AT ANY TIME FOR ANY SERIOUS VIOLATION OF SCHOOL REGULATIONS AND SHALL BE RECOMMENDED FOR EXPULSION ON THE FOURTH SUSPENSION.

Other Comments: ____

____

Witnesses: (1) ______________ (2) ______________ (3) ______________

		Mo. Day Yr.
Code	No. Day	Date
FOR OFFICE USE ONLY		

Very truly yours,

____
PRINCIPAL

DISTRIBUTION: (1) White - PARENT (2) Canary - SUPV. OF CHILD WELFARE & ATTENDANCE
(3) Pink - SUPERINTENDENT'S OFFICE (4) Goldenrod - PRINCIPAL'S OFFICE

FORM LA C-15

SUSPENSIONS
&
EXPULSIONS

PARISH

SESSION

								REASONS																				
		NUMBER OF STUDENTS SUSPENDED	NUMBER OF SUSPENSIONS	DAYS SUSPENDED	SUSPENDED SECOND TIME	SUSPENDED THREE OR MORE TIMES	EXPELLED	CUTTING CLASS/ LEAVING CAMPUS	EXCESSIVE TARDINESS AND/OR ABSENCE	HOOKY	SMOKING	POSSESSION OF TOBACCO AND/OR LIGHTER	DISRESPECT FOR AUTHORITY	FIGHTING STUDENTS AND/ OR FACULTY	BODILY INJURY STUDENTS AND/OR FACULTY	THREATENING STUDENTS AND/OR FACULTY	VANDALISM	POSSESSION OF WEAPON	DRUGS	ALCOHOL	GAMBLING	STEALING	MOLESTING STUDENTS INDECENT BEHAVIOR	PROFANE AND/OR OBSCENE LANGUAGE AND/OR NOTES	POSSESSION AND/OR SHOOTING FIREWORKS	DISTURBANCE CLASSROOM AND/OR CAMPUS	HABITUAL VIOLATIONS/ SCHOOL RULES	MISCELLANEOUS
RACE: BLACK		A	B	C	D	E	F	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
KINDERGARTEN	MALE																											
	FEMALE																											
FIRST	MALE																											
	FEMALE																											
SECOND	MALE																											
	FEMALE																											
THIRD	MALE																											
	FEMALE																											
FOURTH	MALE																											
	FEMALE																											
FIFTH	MALE																											
	FEMALE																											
SIXTH	MALE																											
	FEMALE																											
SEVENTH	MALE																											
	FEMALE																											
EIGHTH	MALE																											
	FEMALE																											
NINTH	MALE																											
	FEMALE																											
TENTH	MALE																											
	FEMALE																											
ELEVENTH	MALE																											
	FEMALE																											
TWELFTH	MALE																											
	FEMALE																											
SPECIAL ED.	MALE																											
	FEMALE																											
TOTAL	MALE																											
	FEMALE																											
GRAND TOTAL																												

TOTAL PUBLIC SCHOOL REGISTRATION: BLACK: ____________

(SEND COPY TO STATE DEPARTMENT OF EDUCATION BY JULY 15)

PARISH SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

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FORM LA C-14

SUSPENSIONS & EXPULSIONS

PARISH ______

SESSION ______

RACE: WHITE		NUMBER OF STUDENTS SUSPENDED A	NUMBER OF SUSPENSIONS B	DAYS SUSPENDED C	SUSPENDED SECOND TIME D	SUSPENDED THREE OR MORE TIMES E	EXPELLED F	REASONS CUTTING CLASS/ LEAVING CAMPUS 1	EXCESSIVE TARDINESS AND/OR ABSENCE 2	HOOKY 3	SMOKING 4	POSSESSION OF TOBACCO AND/OR LIGHTER 5	DISRESPECT FOR AUTHORITY 6	FIGHTING STUDENTS AND/OR FACULTY 7	BODILY INJURY STUDENTS AND/OR FACULTY 8	THREATENING STUDENTS AND/OR FACULTY 9	VANDALISM 10	POSSESSION OF WEAPON 11	DRUGS 12	ALCOHOL 13	GAMBLING 14	STEALING 15	MOLESTING STUDENTS INDECENT BEHAVIOR 16	PROFANE AND/OR OBSCENE LANGUAGE AND/OR NOTES 17	POSSESSION AND/OR SHOOTING FIREWORKS 18	DISTURBANCE CLASSROOM AND/OR CAMPUS 19	HABITUAL VIOLATIONS/ SCHOOL RULES 20	MISCELLANEOUS 21
KINDERGARTEN	MALE																											
	FEMALE																											
FIRST	MALE																											
	FEMALE																											
SECOND	MALE																											
	FEMALE																											
THIRD	MALE																											
	FEMALE																											
FOURTH	MALE																											
	FEMALE																											
FIFTH	MALE																											
	FEMALE																											
SIXTH	MALE																											
	FEMALE																											
SEVENTH	MALE																											
	FEMALE																											
EIGHTH	MALE																											
	FEMALE																											
NINTH	MALE																											
	FEMALE																											
TENTH	MALE																											
	FEMALE																											
ELEVENTH	MALE																											
	FEMALE																											
TWELFTH	MALE																											
	FEMALE																											
SPECIAL ED.	MALE																											
	FEMALE																											
TOTAL	MALE																											
	FEMALE																											
GRAND TOTAL																												

TOTAL PUBLIC SCHOOL REGISTRATION: WHITE: ______

(SEND COPY TO STATE DEPARTMENT OF EDUCATION BY JULY 15)

______
PARISH SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

STATE DEPARTMENT OF EDUCATION

MANUAL
OF
CENSUS PROCEDURES

Issued by

J. KELLY NIX
State Superintendent of Public Education

CENSUS -- THE WHY AND THE HOW

As has already been pointed out, the work of the supervisor of child welfare and attendance (SCWA) is a many-faceted thing. Supervision of the maintenance of a complete and accurate census is one of the facets. An adequate continuing census, housed in a central location (usually the school board office), furnishes much information which is useful to the SCWA as he moves about from day to day in his efforts to provide services to students and their families and to the school.

Why the census? A statewide continuing census was first established in Louisiana when Act 239 was passed by the Louisiana Legislature in 1944. This Compulsory School Attendance Law required each school board to appoint at least one visiting teacher (now SCWA) to perform the duties spelled out in the law. One of those duties was the maintenance of the continuing census.

Twenty years later, in 1964, a more adequate school attendance law replaced the earlier act of 1944. This law also requires visiting teachers, or supervisors of child welfare and attendance, (both titles are used throughout the law), to cooperate with certain designated state agencies; to make monthly and annual reports to parish and city superintendents and to the state director of child welfare and attendance; and to comply with all rules and regulations of the parish or city school boards and the State Board of Education.

Again, why the census? In November 1964, the Special Census Advisory Committee was directed by the Visiting Teachers Association of Louisiana to make a study of the uses of the census over and above its use as a basis for the Per Educable distribution. To initiate this study, the Committee contacted each visiting teacher in the state and asked him to submit a list of the uses for which he employed the census; and asked him to answer the question, "Would you favor continuing the census, if it were discontinued as the basis for the distribution of funds?" Response was good, and the answer to the question was overwhelmingly in favor of continuing with the census, even if it were not employed in the distribution of funds. The collective answers to that study provide an impressive list of uses by the visiting teacher (now SCWA) and by other school personnel; by many local, state, and federal agencies working in behalf of children; and by the community at large as individuals and groups work in behalf of children. That report was adopted by the Visiting Teachers Association of Louisiana on April 26, 1966.

How the census? In order to maintain an accurate continuing census and child accounting system that will provide information for local school systems and for the State Department of Education, as well as provide a source for legitimate and useful information for many other persons and agencies, it appears that each parish and city school system in the state will benefit by following suggested census procedures.

Although there is no central "clearing house" for exchange of census information, it is the belief of many supervisors of child welfare and attendance and of supervisors of census that uniformity in the maintenance of a census can be achieved on a statewide basis. This uniformity can best be achieved by the use of the procedures contained in the Manual of Suggested Census Procedures. It is with this hope that the manual is being offered.

I

Basic Principles

As a background for the enumeration of families which move to a parish between January 2 and January 1 of the next year (both inclusive), the following basic principles apply:

A. An educable belongs to the parish in which he resides during the school week and attends public elementary or secondary school, regardless of whom he lives with or from whom he receives his support. Children who attend private schools in a parish but whose parents live in other states or foreign countries belong to the parish in which they attend private schools and should be enumerated by that parish. The foregoing statement does not apply if a child attends a private school in one parish and his parents reside in another parish in Louisiana.

B. Educables confined in homes; hospitals; state schools for the deaf, blind, and spastic ; or correctional institutions for periods of time may be expected to return to the home parish. Since this is a reasonable expectation, their legal residence remains in the home parish. They do not establish residence in the parish in which the institution is located; therefore, their census records remain in the home parish.

C. Where there are no parental ties in the home parish -- as in the case of orphans permanently placed in homes or orphanages, or where the Department of Public Welfare or court order has placed children in foster homes -- educables establish residence in the parish in which the home or institution is located, and their census records belong to that parish. Where there are parental ties and the placement is temporary, the educables belong to the parish where the ties are.

D. Tuition and census problems are entirely different matters. Children who daily cross the line from one parish to another to attend school are tuition not census problems. Principals should be asked to note on their school enrollments those children who daily cross the line to attend school. Such notation will prevent the supervisor of child welfare and attendance (SCWA) from enumerating these children and will give him information to report to his superintendent on children for whom tuition may be claimed. In no case should census records be made by a parish which is claiming tuition or vice versa.

II

Reporting to the State Office

The following reports are due in the state office on the dates shown:

1. Number of educable children between the ages of six and eighteen years of age, inclusive. (Accounting date is January first of the Year.)
   Due in state office April 1.
2. Dropout report
   Due in state office July 15.

All reports should be mailed to:

State Supervisor
Child Welfare and Attendance and
Social Work Services
State Department of Education
P. O. Box 44064
Baton Rouge, LA 70804

III

The following statements concerning the annual census reports always apply:

A. Only children between the ages of six and eighteen years (both inclusive) are educables. (Remember that children born on January 1 of any one year are included in the group one year older.)

B. After you have removed all your losses (C-5's) and have filed all your new enumerations (C-5's), count and record the number of C-5's in each year group. Use this information for necessary reports to the state office.

IV

Sending Census Requests

When you send census requests, remember the following:

A. The directory of SCWA's and census supervisors issued each year indicates those persons who handle censuses. Consult the directory when addressing census requests.

B. Do not send official census mail to the home addresses of SCWA's or census supervisors.

V

Checking School Enrollments and Obtaining Census Data

Before you enumerate a family,

A. In the fall, check all school enrollments in all grades against your census records.

B. Verify school attendance of all children before enumerating. There must be sufficient indication of residence in the parish to justify enumeration.

C. Obtain complete names and addresses of both father and mother from the schools or the parents. If the child lives with someone other than his own parents, also obtain the name and address of the person with whom he lives.

D. Obtain the complete birthdate of every child. Use enumerator's estimate (birth year only) in those rare cases when official birth records are not available.

E. Obtain the name of the place of birth of every child.

F. Require a birth certificate for each new entrant. Birth certificate numbers should be recorded on C-3's. (See Act 541 of the 1960 Legislature and Act 109 of 1964.)

NOTE: Do not enumerate any child without the above, unless it is absolutely impossible to obtain the information and the fact is so noted on the C-3. It is the duty of principals and teachers to furnish whatever census information is needed by the SCWA.

VI

Enumerating Families

Do not allow teachers to write your C-3's. Allow only some authorized person in your office to write or type them.

When you enumerate a family,

A. Stamp each C-3 with the name of the parish and the census year, and see that each bears the name (typed, stamped, or handwritten) of the SCWA or census supervisor. Make sure that your stamp shows only one year; for example, Winn 1974, not Winn 1974-75.

B. Enumerate white children on white C-3's with the word WHITE printed on them. Enumerate black children on green C-3's with the word BLACK printed on them. Enumerate children of other races on white C-3's, X'ing out the word white and typing in the race. Use white C-5's for children of the white race, green C-5's for children of the black race, and white C-5's for children of other races.

C. Enumerate each child on the C-3 of his own father and mother, even if he is not living with them. Where the father's name is missing, write the CHILD'S SURNAME on the top line where the father's surname would appear. In cases of illegitimate birth, write the mother's surname on the top line where the father's surname would appear.

D. If a child is not living with his parents, indicate on the C-3 the name, address, and relationship of the person with whom he is living.

E. Use as the date of enumeration the date on which the child entered school in your parish or the date on which the child moved into your parish, provided that date is later than opening date of school.

F. Do not date any enumeration later than January 1.

G. List children chronologically on alternate lines of the C-3, starting with the OLDEST EDUCABLE. Record the birth certificate number on the line beneath the child's name.

H. Indicate in the proper space on each C-3 the name of the parish from which the family is being claimed, if it came from within the State.

I. Give the full given name of each child, his complete birthdate, and his place of birth. Do not record the surname after each child's name.

Enumerating Families, continued

J. It is mandatory by resolution of the State Board of Education that children under six years of age be enumerated in families where there is at least one educable to be enumerated.

K. Enumerate kindergarten children and their younger siblings when the kindergarten child enters school. Do not wait until he reaches educable age. You will not count these children in your educable group, but they should be enumerated anyway.

L. Indicate the school each child of school age is attending; or in the SCHOOL ATTENDANCE column give sign, indication, or proof of residence in the parish, such as "married," "working," "in the army," and the like.

VII

Filing New Enumerations

Before filing new enumerations,

A. Make sure that every C-3 and C-5 carries the parish and census year stamp, that each carries full information, that the information on the C-5's agrees in every respect with that on the C-3's, and that each C-3 bears the name (typed, stamped, or handwritten) of the SCWA or census supervisor.

B. Arrange your C-3's and C-5's as follows:

   1. C-3's in one straight alphabetical file

   2. C-5's by race and by years of birth. Place youngest year group in front of the file and work back to oldest year group.

C. File all of your C-3's and all of your C-5's before compiling information for reports to be sent to the state office.

VIII

Finding and Recording Losses

How to find unclaimed, destination-unknown, and out-of-state losses:

A. How to find losses: Adapt the following suggestions to fit your needs:

   1. Use the regular loss reports from the schools.

   2. Use the requests of schools for assignment and re-assignment.

3. Record as losses all families where no school attendance is shown for any child in the family for the last two years, unless there is evidence that the family still lives in your parish; and, in the absence of other proof, school attendance is the best evidence.

4. List the names, birthdates, and parents' names of all the children whose census records do not show school attendance for the current session. Send duplicated lists to all schools for checking. Use the returned reports of the whereabouts of children to determine if they are still in your parish.

B. How to record losses:

1. Deactivate your C-3 and remove the corresponding C-5's from your files.

2. Do not leave behind in your files the C-5's for children under educable age, if the entire family is a loss.

3. Record on your C-3 any information you are able to get concerning the whereabouts of the family. In the absence of specific information, indicate this on the C-3.

4. Use your own symbols to indicate that the record has been deactivated; for example, L 74 (loss 1974) placed in the upper left corner of the C-3.

IX

Recommendation concerning the recording of deaths is as follows:

Pull from your files and destroy C-5's of children who have died. Circle the child's name in red on the C-3, note the date of death, and initial the entry.

X

When you have proof that a legal adoption has been completed,

A. Make a new enumeration (C-3 and C-5) showing the parents' and the child's names as they appear on the legal papers, recording all the information, including new birth certificate number.

B. Deactivate the record which is being replaced by the new enumeration.

XI

Survey of Educables

The Survey of Educables is an accounting of all educables in your school system as of January 1 each year. This survey is for your own use and should be used to help you account for all children in your school system. (The Survey of Educables, Form C-7 in no longer required by the state office.)

XII

Key to Authority for Birthdates and Code for Defects

A. Authority for Birthdates

1. B.C. ....Birth Certificate
2. B.R. ....Birth Record
3. C.R. ....Church Record
4. P.S. ......Parent's Statement
5. C.S. ....Child's Statement
6. S.R. ....School Record
7. R.B. ....Roster of Births
8. E.E. ...Enumerator's Estimate

B. Code for Defects

1. V. ......Vision
2. H. .....Hearing
3. C. ....Crippled
4. M. ......Mental
5. O. ....Other

XIII

List of Forms Appended

1.	Family Field Record Sheet (white for white families)	LA C-3
2.	Family Field Record Sheet (green for black families)	LA C-3
3.	Individual Child's Card (white for white children)	LA C-5
4.	Individual Child's Card (green for black children)	LA C-5
5.	Report of Educables Form	LA C-6
6.	Survey of Educables Form	LA C-7
7.	School Dropout Card	LA C-8
8.	Report and Summary of Dropouts	LA C-9
9.	Individual (Causes of Poor Attendance and Adjustment)	LA C-10
10.	Parish and State (Attendance and Adjustment)	LA C-11
11.	State (Attendance and Adjustment)	LA C-12
12.	Individual (Suspension and Expulsion)	LA C-13
13.	Parish and State (Compilation) (white)	LA C-14
14.	Parish and State (Compilation) (black)	LA C-15
15.	Perfect Attendance Certificates (12 years) Type I and Type II	LA C-16
16.	Requisition of State-Furnished Forms	LA C-18
17.	SCWA-SSW Evaluative Form	LA C-19

VIX

Census Supplies

Use the state-furnished requisition form (C-18) for requesting census supplies, and get rid of any old, out-of-date forms. Your order for supplies for the entire year should be in the state office by May 15 of each year.

XV

Suggested Rules for Filing

The following rules are suggested for filing Field Sheets:

1. Field Sheets should be filed alphabetically by the surname of the father.

2. Where there are several sheets with the same surname, sheets should be arranged alphabetically by the fathers' given names.

3. Where the given names of the fathers are identical, the mothers' given names and if necessary the mothers' maiden names should be used to determine proper placement of the sheets.

Examples:
(1) Jones, Andrew
Amy White
(2) Jones, Andrew
Amy Zenon
(3) Jones, Andrew
Bernice Brown
(4) Jones, Andrew
Cathering Amos
(5) Jones, Andrew
Deborah Smith
(6) Jones, Andrew
E. Grant
(7) Jones, Andrew
Edith Smith
(8) Jones, Andrew
Ethel Wright
(9) Jones, Andrew
Ethel A. Andrepont
(10) Jones, Andrew
Francis David

4. In the absence of the given name of the father, sheets should be filed alphabetically by the given name of the mother, using the maiden name where there are two or more such sheets with the same mother's given name.

CODE:

*FATHER'S NAME LAST FIRST MIDDLE	LIVING ☐ YES ☐ NO	RACE WHITE	STAMP PARISH AND CENSUS YEAR
*MOTHER'S NAME LAST FIRST MAIDEN	LIVING ☐ YES ☐ NO	RACE WHITE	USE THIS SPACE FOR ADDITIONAL FACTS YOU NEED

FATHER'S COMPLETE ADDRESS

MOTHER'S COMPLETE ADDRESS (IF NOT SAME AS FATHER'S)

NAME OF PERSON CHILD LIVES WITH (IF NOT WITH OWN PARENTS)	RELATIONSHIP	COMPLETE ADDRESS

*ENUMERATE CHILD ONLY ON C-3 OF OWN FATHER AND MOTHER

For Use of Losing Parish: Indicate In Red Differences in C-3 Heading

FATHER'S NAME LAST FIRST MIDDLE

MOTHER'S NAME LAST FIRST MAIDEN

Cross Reference (For Use of Enumerating Parish)

FATHER'S NAME LAST FIRST MIDDLE

MOTHER'S NAME LAST FIRST MAIDEN

For use of enumerating parish.

Approval requested from ____________________

Comments: ____________________

RECORD OF TRANSFERS AND WITHDRAWALS
(For use of losing parish)
Use to NR or OK whole family

NR	OK	PARISH	INITIALS	DATE

Use for mixed NR's and OK's

NR	OK	PARISH	INITIALS	DATE

18 FALL DATE ENUMERATED	Names of Children LIST CHILDREN IN CHRONOLOGICAL ORDER, BEGINNING WITH THE OLDEST EDUCABLE —SKIP LINES—	MALE/FEMALE	Date of Birth YEAR	MONTH	DAY	AUTHORITY ‡	Place of Birth STATE OR COUNTRY	PARISH OR COUNTY	CITY OR TOWN	HANDICAPS‡	School Attendance NAME OF SCHOOL SCHOOL ATTENDANCE OF EACH CHILD MUST BE GIVEN OR SOME INDICATION OF RESIDENCE	GRADE

LOUISIANA SCHOOL CENSUS
DEPARTMENT OF EDUCATION
BATON ROUGE 70804
DE 1604 (R 5/68)

‡SEE CENSUS PROCEDURES FOR EXPLANATION

CERTIFICATE OF ENUMERATION: I hereby certify that the above information is correct to the best of my knowledge and belief.

Enumerator: ____________________

FORM LA C-3 (R 10/66)

CODE:

*FATHER'S NAME LAST FIRST MIDDLE

LIVING ☐ YES ☐ NO

RACE NEGRO

STAMP PARISH AND CENSUS YEAR

*MOTHER'S NAME LAST FIRST MAIDEN

LIVING ☐ YES ☐ NO

RACE NEGRO

USE THIS SPACE FOR ADDITIONAL FACTS YOU NEED

FATHER'S COMPLETE ADDRESS

MOTHER'S COMPLETE ADDRESS (IF NOT SAME AS FATHER'S)

NAME OF PERSON CHILD LIVES WITH (IF NOT WITH OWN PARENTS)

RELATIONSHIP

COMPLETE ADDRESS

*ENUMERATE CHILD ONLY ON C-3 OF OWN FATHER AND MOTHER

For Use of Losing Parish: Indicate in Red Differences in C-3 Heading

FATHER'S NAME LAST FIRST MIDDLE

MOTHER'S NAME LAST FIRST MAIDEN

Cross Reference (For Use of Enumerating Parish)

FATHER'S NAME LAST FIRST MIDDLE

MOTHER'S NAME LAST FIRST MAIDEN

For use of enumerating parish.

Approval requested from

Comments:

RECORD OF TRANSFERS
AND WITHDRAWALS
(For use of losing parish)
Use to NR or OK whole family

NR	OK	PARISH	INITIALS	DATE

Use for mixed NR's and OK's

NR	OK	PARISH	INITIALS	DATE

82

FALL DATE ENUMERATED	Names of Children: LIST CHILDREN IN CHRONOLOGICAL ORDER BEGINNING WITH THE OLDEST EDUCABLE — SKIP LINES —	MALE/FEMALE	Date of Birth: YEAR	MONTH	DAY	AUTHORITY ‡	Place of Birth: STATE OR COUNTRY	PARISH OR COUNTY	CITY OR TOWN	HANDICAPS‡	School Attendance: NAME OF SCHOOL SCHOOL ATTENDANCE OF EACH CHILD MUST BE GIVEN OR SOME INDICATION OF RESIDENCE	GRADE

LOUISIANA SCHOOL CENSUS
DEPARTMENT OF EDUCATION
BATON ROUGE 70804
DE 1604-A (R 10/67)

‡SEE CENSUS PROCEDURES FOR EXPLANATION

CERTIFICATE OF ENUMERATION: I hereby certify that the above information is correct to the best of my knowledge and belief.

Enumerator:

FORM LA C-3 (R 12/66)

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Form La. C-5 LOUISIANA SCHOOL CENSUS 4-13-59

Child's Name________ ________ ________
Last First Middle

____
Stamp PARISH & CENSUS YEAR

Race – WHITE Sex________ Date of Birth________ ________ ________
Year Month Day

C-3 CHILD IS LISTED ON:

Man's Name________ ________ ________
Last First Middle

Woman's Name________ ________ ________
Last First Maiden

SCHOOL ASSIGNMENT				RECORD OF TRANSFERS AND WITHDRAWALS			
	School	Grade	Session		School	Grade	Session
1.				1.			
2.				2.			
3.				3.			
4.				4.			
5.				5.			
6.				6.			
7.				7.			
8.				8.			
9.				9.			
10.				10.			
11.				11.			
12.				12.			

STATE DEPARTMENT OF EDUCATION
Baton Rouge 4, Louisiana

Child's Name________ ________ ________
Last First Middle

____
Stamp PARISH & CENSUS YEAR

Race – BLACK Sex________ Date of Birth________ ________ ________
Year Month Day

C-3 CHILD IS LISTED ON:

Man's Name________ ________ ________
Last First Middle

Woman's Name________ ________ ________
Last First Maiden

SCHOOL ASSIGNMENT

	School	Grade	Session
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

RECORD OF TRANSFERS AND WITHDRAWALS

	School	Grade	Session
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Form La. C-5 LOUISIANA SCHOOL CENSUS 4-13-58

STATE DEPARTMENT OF EDUCATION
Baton Rouge, Louisiana 70804

ATTENDANCE CERTIFICATES
(Directions)

1. Order all certificates at least 6 weeks prior to graduation (mid-term or otherwise). (Order on Form LA C-18B)

2. Award the meritorious certificates for either perfect or meritorious attendance as determined by your local system. (Suggestion: (a) anyone missing more than 5 days in any one semester would be ineligible; (b) 1 unexcused absence would automatically disqualify a student.)

3. A student with 12 years of perfect attendance should receive Type 1 (State Superintendent's Honor Award) so he or she can be honored by the State and Parish officials.

Type I

State of Louisiana
Department of Education

State Superintendent's Honor Award
for Perfect School Attendance

This certifies that ______________________________

is awarded this certificate of merit by the State Superintendent of Education in recognition of perfect school attendance from the first grade until graduation from high school. This certificate is given in recognition of this outstanding record of school attendance.

On this ____ day of ________, 19__, at Baton Rouge, Louisiana

____
State Superintendent of Education

115

LITHO IN U.S.A.

Type II

State Board of Elementary and Secondary Education

and

State Department of Education

STATE OF LOUISIANA DEPARTMENT OF EDUCATION

COPY

COPY

Attendance Award

This Certificate is awarded to

In recognition of year (s) of

meritorious attendance 19 - 19

STATE SUPERINTENDENT OF EDUCATION

PRESIDENT OF STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

113

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PARISH SUPERINTENDENT

PRESIDENT OF SCHOOL BOARD

ASSISTANT DIRECTOR AND SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

LOCAL SUPERVISOR OF CHILD WELFARE/ATTENDANCE

87

FORM LA C-18A

REQUISITION FOR STATE-FURNISHED SUPPLIES
(Send to State by May 15)

State Supervisor CWA/SWS
State Department of Education
Bureau of Student Services
P. O. Box 44064
Baton Rouge, LA 70804

Dear Sir:

Please send me the following supply of materials for use during the current census year. In order that you may correctly estimate the needs for the entire State and place your printing order accordingly, I am requesting sufficient supplies for the entire year at this time.

FAMILY FIELD SHEETS

Form LA C-3 - White - packed 100 to the package: ________packs
Form LA C-3 - Green - packed 200 to the package: ________packs

INDIVIDUAL CHILD'S CARD

Form LA C-5 - White - packed 100 to the package: ________packs
Form LA C-5 - Green - packed 100 to the package: ________packs

DROPOUT CARDS

Form LA C-8 - packed 100 to the package: ________packs

I have discarded all of my obsolete forms and will use them only for work within my parish. The above order will take care of my needs for the coming census year.

Sincerely,

____
SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

____
DATE

____
PARISH AND/OR CITY SCHOOL SYSTEM

____

____
ADDRESS

P.S. Copies of all other forms will be mailed to you automatically, with the exception of the Attendance Certificates, which you order on Form LA C-18B.

FORM LA C-18B

REQUISITION FOR ATTENDANCE CERTIFICATES

(This request should be in the State Office at least six weeks prior to graduation. Should absences occur after your request is made, naturally the certificate should not be awarded.)

Request made by______________________________ ________________
NAME TITLE

of the ____________________________ School System. ________________
DATE

Number Ordered:

	PUBLIC	PRIVATE	TOTAL
TYPE I (perfect attendance for twelve (12) consecutive years)			
TYPE II (1 or 2 or more years of meritorious attendance)			

____________________ ______________________________
PARISH SUPERVISOR OF CHILD WELFARE AND ATTENDANCE

____
(address where certificate(s) are to be mailed)

PART III

EVALUATIVE PROCEDURE

AND

CERTIFICATION REQUIREMENTS

EVALUATIVE PROCEDURE

THESE ARE THE EVALUATIVE CRITERIA THAT HAVE BEEN DEVISED AND DEVELOPED BY THE SCWA OF LASE. THE PURPOSE OF THIS INSTRUMENT IS TO UPGRADE THE SERVICES OF THE CHILD WELFARE AND ATTENDANCE PROGRAM.

FORM LA C-19 (SEND COPY TO STATE BY AUGUST 1)

SCWA - SSW EVALUATIVE FORM

FOR 19__ - __ SCHOOL SESSION

I. Parish________________ City________________

Superintendent________________ SCWA/SSW________________

School Population: Public________________ Non-Public________________

Number of Educables________________

II. Personal Data: SCWA/SSW (Circle One)

1. Number of years: SCWA________________ Other teaching experience________________

2. Areas of certification________________

III. Professional Data:

1. Membership in professional organizations (List)________________

____

____

2. Office or position held in organizations________________

____

____

3. Meetings attended during the current fiscal year

	Number	Reimbursed		Comment
		Yes	No	
1. Local	___	___	___	___
2. District	___	___	___	___
3. State	___	___	___	___
4. National	___	___	___	___
5. International	___	___	___	___
6. Workshops	___	___	___	___
7. Other	___	___	___	___

IV. Attendance
1. Number of attendance cases during the current year________________.
2. Number referred to court________________.

V. A. Consultant Service

	YES	NO
1. Do you provide consultant service to other school personnel?	___	___
2. Do you provide consultant service to parents?	___	___
3. Do you provide consultant service to agencies?	___	___
4. Do you provide consultant service to organizations, church affiliations, etc.?	___	___

B. Other administrative-supervisory responsibilities: (List)

1.________________ 4.________________ 7.________________

2.________________ 5.________________ 8.________________

3.________________ 6.________________ 9.________________

VI. Proposals for improving program for next session 19__ - 19__

____

____

____
Supervisor of Child Welfare and Attendance

CERTIFICATION REQUIREMENTS

CERTIFICATION
SCWA-VT-SSW

SUPERVISOR OF CHILD WELFARE AND ATTENDANCE AND/OR VISITING TEACHER

The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must have had 5 years of successful professional school experience, 3 years of which must have been during the 5-year period immediately preceding appointment to the position.

The applicant must hold a master's degree from a regionally accredited institution including 12 semester hours of professional education at the graduate level. These 12 hours shall include 3 semester hours in Visiting Teacher work. The remaining 9 semester hours shall include courses in supervision and administration.

OR

Social Workers licensed under Act 706 of the 1972 Louisiana Legislature shall be certified as Visiting Teachers.

The following certification requirements will become effective September 1, 1984, for Supervisors of Child Welfare and Attendance and Social Workers.

September 1, 1984

Supervisor of Child Welfare and Attendance and/or Visiting Teacher

The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must hold a master's degree from a regionally accredited institution including 12 semester hours of professional education as follows:

Principles of guidance and counseling, 3 semester hours
Supervision of child welfare and attendance and/or visiting teacher work, 3 semester hours
Professional electives, 6 semester hours

The graduate training must also include an additional 12 semester hours in:

Psychology, 3 semester hours
Sociology, 3 semester hours
Social Welfare, 6 semester hours

Social Workers licensed under Act 706 of the 1972 Louisiana Legislature shall be certified as Visiting Teachers.

Social Worker

Provisional Certificate in School Social Work - (Valid for 3 years, nonrenewable)

Qualifies holder to begin pursuit of 2 years' work experience necessary to take examination for licensure under Act 706.

A. Graduate of an accredited scoial work program with a master's degree plus field experience in the social work practice settings listed below and an approved plan for a minimum of one hour per week supervision by a social worker licensed under Act 706.

OR

B. Graduate of an accredited social work program with a master's degree with a minimum of 3 hours per week supervision for the first 6 months of employment. Must work under supervision of a licensed Social Worker qualified as below. The field experience and plan of supervision are to be approved by the Louisiana State Board of Certified Social Work Examiners.

Qualified School Social Worker - (Valid provided the holder maintains current licensure as a Social Worker)

1. Licensure in accordance with Act 706 of the 1972 Legislature.

AND

2. Experience

   a. Work experience in one or more of the following social work practice settings within the past five years:

      (1) School Setting
      (2) Mental Health Clinic
      (3) Psychiatric Hospital
      (4) Family Service/Community Service Agency where psychiatric consultation was available to agency staff.
      (5) Child Service Agency
      (6) Medical Social Services where social services were delivered to families and children.
      (7) Private practice which is clinical in nature and delivered to adults, children, and families.

OR

   b. Graduate Social Worker field experience in the above social work practice settings plus 2 years work experience in any social work practice settings. The field experience is to be judged by the Louisiana State Board of Certified Social Work Examiners.

APPENDIX

COMPULSORY SCHOOL ATTENDANCE LAWS

FOR THE

FIFTY STATES OF

THE UNITED STATES OF AMERICA

(1980-1981)

David Nunn
Oklahoma City Public Schools
900 N. Klein
Oklahoma City, OK 73106

COMPULSORY SCHOOL ATTENDANCE LAWS
For the
FIFTY STATES OF
THE UNITED STATES OF AMERICA

	Kindergarten	First Grade	Compulsory Age
ALABAMA	Five - Oct. 1	Six - Oct. 1	7 - 16
	----except that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.		
ALASKA	Five - Nov. 2	Six - Nov. 2	7 - 16
AMERICAN IND. (OVERSEAS)	Five - Dec. 31	Six - Dec. 31	Current School
ARIZONA	Five - Dec. 1 1978-79 Five - Nov. 1 1979-80 Five - Oct. 1 1980-81 Five - Sept. 1 1981-82 & subsequent years.	Six - Dec. 1 1978-79 Six - Nov. 1 1979-80 Six - Oct. 1 1980-81 Six - Sept. 1 1981-82	8 - 16
ARKANSAS	Five - Oct. 1	Six - Oct 1	7 - 15
CALIFORNIA	Five - Dec. 2	Six	6 - 16
COLORADO			7 - 16
	School entrance age is a matter of local board policy, whether it be for first grade or for kindergarten.		
CONNECTICUT			7 - 16
	---Public schools shall be open to all children five years of age and over ---- provided boards of education may, by vote at a meeting duly called, admit to any school, children under five years of age or may exclude children who will not attain the age of five years until after the first day of January of any school year.		
DELAWARE	Five - Jan. 1	Six - Jan. 1	6 - 16
	Children who will become five or six years of age after January 1 and before February 1 may be admitted to Kindergarten or grade one respectively providing: application is completed and returned to the chief school officer before April 1. whereupon arrangements will be made for testing of the child applicant.		

	Kindergarten	First Grade	Compulsory Age
FLORIDA	5 - Jan. 1	6 - Jan. 1	6 - 16
	Beginning with the 1982-83 school year, no child shall be admitted or promoted to the first grade in any school until he has satisfactorily completed kindergarten in a public school or a nonpublic school from which the district school board accepts transfer of academic credit or he otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades.		
GEORGIA	5 - Sept. 1	6 - Sept. 1	7 - 16
HAWAII	5	6	6 - 18
	Kindergarten is not compulsory but is offered for children reaching age 5 during the calender year.		
IDAHO	5 - Oct. 16	6 - Oct. 16	7 - 16
ILLINOIS			7 -16
INDIANA			7 - 16
	Kindergarten pupil shall mean a pupil who will be five years old on or before the cutoff date set by the local school board, and who is enrolled for the school year in kindergarten.		
IOWA	5 - Sept. 15	6 - Sept. 15	7 - 16
KANSAS	5 - Sept. 1	6 - Sept. 1	7 -16
KENTUCKY			
LOUISIANA		6 - Dec. 31	7 - 16
	Louisiana legislation concerning kindergarten allows school boards to establish kindergartens for children between 4 years and 8 months and 6.0 years of age.		
MAINE	5 - Oct. 15	6 - Oct. 15	7 - 17
	Only those children who will be 4 years of age on or before Oct. 15 of school year shall be admitted to kindergarten in those public schools in the state which offer a 2 year childhood education program prior to grade one.		
MARYLAND			

	Kindergarten	First Grade	Compulsory Age
MASSACHUSETTS			6 -

Each local school committee sets their own "cut-off" date for their own school district. As long as each child is in school (which can be kindergarten or first grade) in September of the calendar year in which that child attains the age of 6, the local school committee is in compliance with the state mandate.

MICHIGAN	5 - Dec. 1	6 - Dec. 1	6 - 16

In a school district which has semiannual promotion a child, resident of the district, is entitled to enroll in kindergarten for the second semester if the child is at least 5 years of age on March 1 of the year of enrollment.

MINNESOTA	5 - Sept. 1	6 - Sept. 1	7 - 16
MISSISSIPPI		6 - Sept. 1	7 - 13

There are no laws regarding birthdate for kindergarten

MISSOURI	5 - Oct. 1	6 - Oct. 1	7 - 16
MONTANA	5 - Sept. 10	6 -	7 - 16

Any parent or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to attend school.

NEBRASKA	5 - Oct. 15	6 - Oct. 15	7 - 16
NEVADA		6 - Sept. 30	7 - 17
NEW HAMPSHIRE		6 - Sept. 30	6 - 16
NEW JERSEY			6 - 16
NEW MEXICO	5 - Sept. 1	6 - Sept. 1	6 - 18
NEW YORK		5 - Dec. 1	6 - 18
NORTH CAROLINA	5 - Oct. 16	6 - Oct. 16	7 - 16

	Kindergarten	First Grade	Compulsory Age
NORTH DAKOTA	5 - Aug. 31	6 - Aug. 31	7 - 16
	Children, who by reason of special talents or abilities as determined by a series of readiness tests or have completed kindergarten in an approved kindergarten, may start school at a younger age. A child must be six years of age by January first under any circumstances.		
OHIO	5 - Sept. 30	6 - Sept. 30	6 - 18
	-------or on or before the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester.		
OKLAHOMA	5 - Sept. 1	6 - Sept. 1	7 - 18
OREGON		6 - Nov. 15	7 - 18
	A child entering school for the first time in a mid-winter term, if the school has a beginning first year class in mid-winter, shall be considered to be six years of age if his sixth birthday occurs on or before March 15.		
PENNSYLVANIA		6	8 - 17
	----entry age for Kindergarten shall not be less than four years no months nor more than six years. Minimum age for beginners shall not be less than five years and 7 months nor more than six years.		
RHODE ISLAND	5 - Dec. 31	6 - Dec. 31	7 - 16
SOUTH CAROLINA	5 - Nov. 1	6 - Nov. 1	6 - 16
SOUTH DEKOTA	5 - Sept. 1	6 - Sept. 1	7 - 16
TENNESSEE	5 - Oct. 31	6 - Oct. 31	7 - 16
TEXAS	5 - Sept. 1	6 - Sept. 1	7 - 17
UTAH			6 - 18
	------kindergartens are open to children resident therein who are five years of age as of the date fixed by the local board of education.		

	Kindergarten	First Grade	Compulsory Age
VERMONT		6 - Jan. 1	7 - 16

An individual who is not a legal pupil shall not be enrolled in a public school, except for enrollment in kindergarten or a program of essential early education withour the consent of the superintendent.

	Kindergarten	First Grade	Compulsory Age
VIRGINIA	5 - Dec. 31	6 - Dec. 31	5 - 17
WASHINGTON	5 - Sept. 1	6 - Sept. 1	8 - 15
WEST VIRGINIA	5 - Nov. 1	6 - Nov. 1	7 - 16
WISCONSIN	5 - Sept. 1	6 - Sept. 1	6 - 18
WYOMING	5 - Sept. 15	6 - Sept. 15	7 - 16

LOUISIANA ACTS
AND
STATUTES AFFECTING
COMPULSORY SCHOOL ATTENDANCE

ACT 109 OF 1964

Section 1. Section 221 of Title 17 of the Louisiana Revised Statutes is enacted as follows:

§ 221. Age of compulsory attendance; duty of parents; penalty

Every parent, tutor, or other person residing within the State of Louisiana, having control or charge of any child between the ages of seven and fifteen, both inclusive (i. e., from the seventh to the sixteenth birthday), shall send such child to a public or private day school provided that any child below the age of seven who legally enrolls in school shall also be subject to the provisions of this Sub-part.

Whoever violates the provisions of this Section or any other provisions of this Sub-part shall be fined not more than ten dollars or imprisoned not more than ten days, or both. Each day the violation continues shall constitute a separate offense. (See Act 425 of 1976)

Visiting teachers, or supervisors of child welfare and attendance, with the approval of the parish or city superintendent of schools, shall file proceedings in court to enforce the provisions of this Sub-part.

Section 2. Sections 222-223 of Title 17 of the Louisiana Revised Statutes of 1950 are amended and re-enacted as follows:

§ 222. Age of school entrance; proof of age, race, and parentage required; exceptions

Children attaining the age of six within four months after the beginning of any public school term or session may enter such schools at the beginning of the school term or session. In any parish or municipality, the school board may establish the policy that only children attaining the age of six on or before December 31 may enter regular school at the beginning of the term or session.

All children, upon entering a parish or city school system or private school in the State of Louisiana for the first time, shall be required to present a copy of their official birth record to the school principal. Only records from the local or state registrar of vital statistics will be accepted for children born in Louisiana except as otherwise provided herein. Birth verification forms issued by the local registrar of the parish of birth shall be valid and acceptable for entry into parish or city schools or private schools. Children born in Louisiana will be given a fifteen (15) day grace period to secure a copy of their birth record. Children born out of this State will be given thirty (30) days grace in which to produce a copy of their birth record. In cases where birth certificates and/or birth verification forms cannot be obtained, the school principal may accept whatever positive proof of age, race, and parentage is available. It shall be left to the discretion of the parish or city superintendent of schools subject to the authority of the school board as to whether or not a child shall continue in school upon failure to comply herewith.

§ 223. Discipline of pupils; suspension from school

Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, on the street or road or school bus going to or returning from school, or during intermission or recess. School principals may suspend from school any pupil for good cause, pending a hearing before the parish or city superintendent of schools, whose decision on the merits of the case, as well as the term of suspension, shall be final, subject to the authority of the parish or city school board, reserving the right to the superintendent of schools to remit any or all portion of the time of suspension subject to the authority of said boards. Except in emergencies, principals, prior to the suspension of a student from school for misconduct, shall notify the visiting teacher, or supervisor of child welfare and attendance. In all cases of suspension, the parent, the superintendent of schools, and the visiting teacher, or supervisor of child welfare and attendance, shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§ 224. Unadjustable or incorrigible children; reports to juvenile courts or Family Court in East Baton Rouge Parish

Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher, or supervisor of child welfare and attendance, to the juvenile court of the parish (Family Court in East Baton Rouge Parish), there to be dealt with in the manner prescribed by law.

§ 225. Minimum attendance required

The minimum session of attendance required under this Sub-part shall be one hundred eighty (180) days, or the full session of the public school which the child would normally attend.

§ 226. Exemptions from compulsory attendance

The following classes of children provided for in this Sub-part shall be exempted from the provisions of this Sub-part:

(1) Children mentally, physically, or emotionally incapacitated to perform school duties, and children unable to profit from further school experience, such exemptions to be certified in writing by a psychiatrist, psychologist, recognized evaluation center or clinic, or other professionally qualified person or agency designated by the parish or city school board; (Refer to Bulletin 754).

(2) Children living outside the boundaries of a city, town, or municipality, more than two and one-half miles from a school of suitable grade where adequate

free transportation is not furnished by the school board, and children living more than one and one-half miles from a transfer route providing transportation furnished by the parish or city school board to a school of suitable grade;

(3) Children temporarily excused from school, as follows:

(a) Children who are personally ill and whose attendance in school would endanger their own health or that of their classmates, each parish and city school board being hereby authorized to adopt and promulgate or publish such resolution as may seem wise and proper regarding the requirement of a certificate of a physician licensed to practice in the State of Louisiana in substantiation of the absence of children under this authorization of temporary absence;

(b) Children in whose families there is serious illness which would reasonably necessitate the absence from school if in the judgment of the visiting teacher, or supervisor of child welfare and attendance, such absence is justified, or if the illness is substantiated in writing by a physician licensed to practice in the State;

(c) Children in whose immediate family a death has occurred, such absence not to exceed one week because of and at the time of such death; and

(d) Children whose religious faith requires absence for the observance of special and recognized holidays of the child's own faith.

Children will not be excused from school to work in any job, including agriculture and domestic service, at any time, even in their own homes or for their own parents or tutors.

§ 227. State directors of child welfare and attendance; duties

The state superintendent of education shall appoint or designate members of the Department of Education whose primary responsibility shall be to supervise and enforce the provisions of this Sub-part and who shall serve as state director and assistant state directors of child welfare and attendance. The state director and assistant state directors of child welfare and attendance shall meet the certification standards set by the State Board of Education, for visiting teachers, or supervisors of child welfare and attendance, and shall be responsible for the general administration of this Sub-part. The state superintendent of education is authorized to prescribe the duties of the state director and assistant state directors of child welfare and attendance, and to make such rules and regulations for the performance thereof, not inconsistent with law, as will promote the purposes of this Sub-part.

§ 228. Visiting teachers, or supervisors of child welfare and attendance

Each parish and city school board within the State shall administer this Sub-part and secure its enforcement with other state and parish agencies mentioned herein. To facilitate the enforcement of this Sub-part each parish and city school board shall employ at least one competent, qualified, and certified visiting teacher, or supervisor of child welfare and attendance. The parish or city school boards may appoint such additional visiting teachers, or supervisors of child welfare and attendance, as they deem necessary. Each parish and city school board shall fix the compensation of such visiting teachers, or supervisors of child welfare and attendance, payable from the school funds of the parish or city, and shall prescribe the duties of such visiting teachers, or supervisors of child welfare and attendance, and make such rules and regulations for the performance thereof as are not inconsistent with law and regulations of the State Board of Education.

§ 229. Appointment of visiting teachers, or supervisors of child welfare and attendance

The appointment of parish and city visiting teachers, or supervisors of child welfare and attendance, shall be made by the parish or city school board upon the recommendation of the parish or city superintendent of education; but no person shall be so recommended or so appointed unless certified by the State

Board of Education. It shall be the duty of the parish or city superintendent of education to nominate for the consideration of the school board the person or persons whom he judges to be properly certified and the best qualified and most competent.

Visiting teachers, or supervisors of child welfare and attendance, need not be qualified electors or residents of the parish or city in which they are appointed to serve.

§ 230. Powers and duties of visiting teachers, or supervisors of child welfare and attendance

Visiting teachers, or supervisors of child welfare and attendance, shall have all the powers and duties vested or which may be vested in attendance officers by the compulsory attendance laws of this State. In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health, and other state agencies; make monthly and annual reports on attendance and other problems of child-school adjustments in their parishes or cities to the parish or city superintendent of education and to the state director of child welfare and attendance; and comply with all rules and regulations of the parish or city school boards and the state board of education.

Visiting teachers, or supervisors of child welfare and attendance, may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement of this Sub-part.

§ 231. Retirement, tenure, and other welfare benefits of visiting teachers, or supervisors of child welfare and attendance

Visiting teachers, or supervisors of child welfare and attendance, employed under the provisions of this Sub-part, shall have the same status with respect to teacher retirement, tenure, sabbatical leave, sick leave, maternity leave, and all other teacher-welfare provisions as other teachers or supervisors whose employment requires that they hold valid teachers' certificates issued by authority of the state board of education.

§ 232. Attendance records, principals' and teachers' duties to furnish; penalty for violation

Visiting teachers, or supervisors of child welfare and attendance, shall receive the cooperation of all teachers and principals, public and private, in the parish or city in which they are appointed to serve. The principals, or heads, and the teachers of all schools -- public, private, denominational, and parochial -- shall report in writing to the visiting teachers, or supervisors of child welfare and attendance, the names, birthdates, race, parents, and residence of all pupils in attendance at their schools or classes within thirty (30) days after the beginning of the school term or session, and at such other times as may be required, and make such other reports not inconsistent with law on attendance, census, and child-school adjustment as may be required by the state board of education or the state department of education.

All schools shall keep daily records of attendance, verified by the teacher keeping such record, which shall be open to inspection by the visiting teacher, or supervisor of child welfare and attendance, or duly authorized representative, at all reasonable times. All schools shall report promptly and regularly to the visiting teacher, or supervisor of child welfare and attendance, any unexplained, unexcused, or illegal absence, or habitual tardiness.

Whoever violates this Section or the rules and regulations of the state board of education or the state department of education pertaining hereto shall be punished in accordance with R.S. 17:221.

§ 233. Cases of habitual absence and/or tardiness referred to juvenile court (Family Court of East Baton Rouge Parish)

Visiting teachers, or supervisors of child welfare and attendance, shall after written notice to the parent or tutor of a child, or a personal visit of notification report any such child as habitually absents himself from school or as is habitually tardy to the family court judge of the parish or city as a delinquent child, there to be dealt with in such manner as the court may determine, either by placing the delinquent in a home or in a public or private institution where school may be provided for the child, or otherwise.

A child shall be considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by the principal and the teacher have failed to correct the condition. The principal, with the aid of the teacher, shall file a written report of the school's efforts showing dates of absence or tardiness, dates and results of school contacts with the home, and such other information as may be needed by the visiting teacher, or supervisor of child welfare and attendance.

Section 3. Sections 234 - 235 of Title 17 of the Louisiana Revised Statutes of 1950 are added thereto as follows:

§ 234. Mentally or physically deficient children; parents' duty to enforce attendance; penalty

Every parent or tutor or other person having charge of mentally or physically deficient children shall enforce the attendance of these children at the special schools or classes which may be provided for them by the State or by the parish or city school board, and to which they have been assigned and which they are eligible to enter. This provision applies to blind, deaf, and spastic children where the special schools for such children have available space and facilities for their training and for which the children meet the requirements for entrance.

Whoever violates the provisions of this Section shall be punished in accordance with R. S. 17:221.

§ 235. Cooperation of other state agencies and institutions with visiting teachers, or supervisors of child welfare and attendance

It shall be the duty of all state agencies and institutions to cooperate fully with the visiting teachers, or supervisors of child welfare and attendance, in the enforcement of this Sub-part. Such schools and agencies as deal with children between the ages of six and eighteen years of age, both inclusive, shall make available to visiting teachers, or supervisors of child welfare and attendance, such information as will assist them in promoting the regular attendance and school adjustment of these children. It shall be the duty of the principals, superintendents, or heads of the training and correctional schools to notify the visiting teachers, or supervisors of child welfare and attendance, when a child is to be released and/or returned to a parish. Visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the state departments of public welfare, labor, and health, and with other state and local agencies in promoting the purposes of this Sub-part, including interchange of confidential and privileged information; and shall cooperate fully with juvenile and family court authorities, training and correctional schools, law enforcement officers, and make such referrals thereto and investigations therefor as seem necessary for the enforcement of this Sub-part, including interchange of confidential and privileged information.

§ 236. Definition of a school

For the purposes of this Chapter, a school is defined as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members and students. For such an institution to be classified as a school, within the meaning of this Chapter, instructional staff members shall meet the certification requirements established by the State Board of Education. In addition, any such institution, to be classified as a school, shall have a minimum of fifty students enrolled as bona fide pupils and shall operate a minimum session of not less than one hundred eighty days. (Revised 1980 - refer to Act 828.)

§ 237. Authority to suspend

Pursuant to the authority contained in Article XIX, Section 5, of the Constitution of Louisiana, the Governor is hereby authorized to suspend the provisions of Sections 221, 230, and 233 of this Title, or any of them, for no longer than one calendar year, in any parish or parishes designated by him, in the event of disaster, flood, disorder, riot, violence, or any other emergency deemed sufficient by him.

Section 4. If any section, paragraph, sentence, clause, or word of this Act or the application thereof shall be held unconstitutional, the same shall not affect any other part, portion or provision of this Act, but such other part shall remain in full force and effect.

Section 5. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

1980 REGULAR SESSION

DEFINITION OF A SCHOOL UNDER GENERAL SCHOOL LAW

ACT NO. 828

HOUSE BILL NO. 1782

An Act to amend and reenact Section 236 of Title 17 of the Louisiana Revised Statutes of 1950, relative to the definition of a school under general school law, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana

Section 1. Section 236 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 236. Definition of a school

For the purposes of this Chapter, a school is defined as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students. For such an institution to be classified as a school, within the meaning of this Chapter, instructional staff members shall meet the following requirements: if a public day school or a nonpublic school which receives local, state, or federal funds or support, directly or indirectly, they shall be certified in accordance with rules established by the Board of Elementary and Secondary Education: if a nonpublic school which receives no local, state, or federal funds or support, directly or indirectly, they shall meet such requirements as may be prescribed by the school or the church. In addition, any such institution, to be classified as a school shall operate a minimum session of not less than one hundred eighty days. Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the Board of Elementary and Secondary Education shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved August 1, 1980.

HOME STUDY GUIDELINES
(Pursuant to Act 828, 1980, R.S.)

I. Definition

A home study plan for the purposes of these Guidelines is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor.

II. Eligibility

Any child eligible by Louisiana law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan. The home study plan does not replace the provisions of the State homebound law.

III. Application process

Before the student's instruction in a home study plan begins, the parent or tutor shall submit a home study plan to the local and/or city superintendent for review, recommendation and forwarding to the Louisiana Department of Education. Acceptance of the home study plan shall be at the discretion of the State Board of Elementary and Secondary Education.

IV. Instructor Qualifications

A parent or tutor may be permitted to provide instruction in a home study plan.

An instructor, other than the child's parent or tutor, shall be eligible to teach according to standards for public or nonpublic schools as found in Bulletin 741/746. The instructor must teach within his/her areas of certification or eligibility.

V. Curriculum

The curriculum for elementary and secondary students shall be as found in Bulletin 741 for nonpublic schools.

In order to receive a Louisiana state equivalency diploma the student must pass the General Educational Development test.

VI. Monitoring

Continuation of a student in a home study program shall be considered based upon an annual submission of a home study plan which reflects the progress of a student based upon performance of the student on a standardized achievement test and other relevant factors.

VII. Transfer Provisions

The local public school system shall have a written policy to receive any student from a home study plan, and shall use whatever means are applicable to arrive at an appropriate placement in the local school system.

VIII. Due Process

The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by the State Board of Elementary and Secondary Education in their Policies and Procedures Manual.

IX. Costs

All reasonable costs directly attributable to the home study program shall be borne by the parents.

*Tutor is the legal guardian of the child by Louisiana Law.

(DRAFT)

APPLICATION FOR APPROVAL FOR LOUISIANA HOME STUDY PROGRAM

(check c

NEW ____

RENEWAL ____

INSTRUCTIONS

1. Complete one form per pupil.
2. Submit this form to the Parish or City System School Superintendent of the parents' residence. This form will be returned to you with the LOCAL SCHOOL SYSTEM Section on page 2 completed.
3. Resubmit this form after it has been reviewed by the Local School Superintendent to the Louisiana State Department of Education, Dr. Robert Gaston, Assistant Superintendent, Office of Academic Programs, P. O. Box 44064, Baton Rouge, LA, 70804. All applications must be received in this office prior to the first school day of the local public school system.

COMPLETE ITEMS 1 THROUGH 5

1. PARENT DATA

Name ________________________________ Phone ( ) ________
Last First

Address ____
Street City State Zip

2. PUPIL DATA

Name ________________________________ Date of Birth ___/___/___
Last First Middle Mo.Day

School child attended in prior school year: ____________________

Grade level child completed in prior school year: ____________________

FOR RENEWALS ONLY: Scores of prior year standardized achievement test:

Grade level of instruction this school year: ____________________

3. INSTRUCTOR

NAME	(Check One)			Certificate Number**	Areas of Certification	Subjects Teaching
	Parent	Tutor*	Other			

*Tutor: Court appointed guardian under Louisiana Law

**If instructor is a person other than the child's parent or tutor, he or she must hold a valid Louisiana Teaching Certificate and teach only in the subjects of his or her certification.

4. PROGRESS MONITORING

Please give the name, publisher and dates of administration of the standardized achievement test(s) to be used to evaluate student progress:

____

____

5. CURRICULUM

I ______________ (parent) certify that ______________ (student) will receive instruction in the elementary/secondary (circle one) curriculum as specified in the state approved nonpublic school standards, and that the above information is true to the best of my knowledge.

______________ Parent Signature ______ Date ______________ Notary Public Signature

LOCAL SCHOOL SYSTEM USE ONLY: (Please expedite in five (5) days of receipt)

______________ (school system name) Parish/City School System has reviewed this Home Study Application on ________ (date) for ______________ (student name) and has found it

(check one): ______ in compliance with the guidelines.
______ not in compliance with the guidelines.

REASON FOR DENIAL:

______________ (Local Superintendent)

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION USE ONLY:

The Louisiana State Board of Elementary and Secondary Education has reviewed the Home Study Application for ______________ on ________ and has found it to be (check one): ______ in compliance with the guidelines.
______ not in compliance with the guidelines.

____
President of the Louisiana State Board of Elementary and Secondary Education

REASONS FOR DENIAL:

____

____

ACT 194

HOUSE BILL NO. 657

BY: MESSRS. GRAHAM, BRISTER, W. K. BROWN, WILLIAMSON, SUTTERFIELD, JOUBERT, SHERIDAN, E. H. JONES, STINSON, A. D. BROWN, WALLER, FLOYD, MUNSON, SMITH, LEBLEU AND PICKETT AND SENATOR BLAIR

AN ACT

To amend and reenact Section 223 and Subsection A of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950, to provide for regulation of the discipline, suspension or expulsion of pupils from school.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 223 and Subsection A of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§ 223. Discipline of pupils; suspension from school

Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, on the street or road or school bus going to or returning from school, or during intermission or recess. School principals may suspend from school any pupil for good cause, as stated in R.S. 17:416. Principals shall notify the visiting teacher, or supervisor of child welfare and attendance of all suspensions. In all cases of suspension, the parent, the superintendent of schools, and the visiting teacher, or supervisor of child welfare and attendance, shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§ 416. Discipline of pupils; suspension; expulsion

A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess. School principals may suspend from school any pupils who are guilty of willful disobedience; who treats with intentional disrespect a teacher, principal, superintendent, member or employee of the local school board; who makes against any one of them an unfounded charge; who uses unchaste or profane language; who is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates; who uses tobacco or alcoholic beverages in any form in school buildings or on school grounds; who disturbs the school and habitually violates any rule; who cuts, defaces or injures any part of public school buildings, or any property belonging to said buildings; or who writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk or building on the way to or from school; or who is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury; or who throws missiles on the school grounds liable to injure other pupils, or who instigates or participates in fights while under school supervision; or who violates traffic and safety regulations; or who leaves the school premises without permission; or who leaves his classroom during class hours or detention without permission; or who is habitually tardy or absent; or who commits any other serious offense. Notice in writing of the suspension and the reasons therefor shall be given to the parent or parents of the pupil suspended. Any parent of a pupil suspended shall have the right to appeal to the parish superintendent of schools, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent of schools to remit any portion of the time of suspension. A pupil suspended for damages to any property belonging to the school system shall not be readmitted until payment in full has been made for such damage or until directed by the superintendent of schools. (See Acts on Discipline)

* * *

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given in effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

s/ John S. Garrett
Speaker of the House of Representatives

s/ C. C. Aycock
Lieutenant Governor and President of the Senate

s/ John J. McKeithen
Governor of the State of Louisiana

APPROVED: July 1, 1970

ACT 306

HOUSE BILL NO. 469

BY: MESSRS. JOUBERT, BRINKHAUS, SUTTERFIELD, GILL, STINSON, GRAHAM, AND BRISTER

AN ACT

To amend and reenact Subsection B and to add Subsections C and D of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950, relative to the suspension and/or expulsion of students from public schools in Louisiana, to authorize the expulsion of any student in certain cases on the recommendation of the principal of any public school in the state, and to otherwise provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsection B of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 416. Discipline of pupils; suspension; expulsion

* * *

B. Any student after being suspended for committing any of the above offenses may be expelled, upon recommendation by the principal of the public school in which said student is enrolled, which recommended expulsion shall be subject to the provisions of Subsection C hereof.

Any student after being suspended on three occasions for committing any of the above offenses, during the same school session, shall on committing the fourth such offense, be expelled from the public schools of the parish wherein he resided until the beginning of the next regular school session, subject to the review and approval of the local school board.

C. Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B hereof, a hearing shall be conducted by the superintendent or by any other person designated so to do by the superintendent. Upon the conclusion of the hearing, the superintendent, or his designate, shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At said hearing the principal and/or teacher concerned may be represented by any person appointed by the superintendent. Until such hearing takes place the student shall remain suspended from the school. At such hearing the student may be represented by any person of his choice.

The parent or tutor of the pupil may, within five days after the decision is rendered, request the city or parish school board to review the finding of the superintendent or his designate at a time set by the school board; otherwise the decision of the superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the superintendent or his designate, the school board may affirm, modify or reverse the action previously taken.

The parent or tutor of the pupil may, within ten days, appeal to the district court for the parish in which the student's school is located, from an adverse ruling of the school board in upholding the action of the superintendent or his designate. The court may reverse or revise the ruling to the school board upon a finding that the ruling of the board was based on an absence of any relevant evidence in support thereof.

D. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, shall be cause for expulsion of the student for a period of time as determined by the board: provided that such expulsion shall require the vote of two-thirds of the elected members of the school board.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

s/ John S. Garrett
SPEAKER OF THE HOUSE OF REPRESENTATIVES

s/ C. C. Aycock
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

s/ John J. McKeithen
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 9, 1970

Regular Session, 1975

HOUSE BILL NO. 581

BY MESSRS. A. JACKSON, J. JACKSON, LONG AND CONNOR

ACT 216

AN ACT

To amend and reenact Subsection A of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950; relative to Louisiana's pupil disciplinary law; to provide for an immediate notice and hearing procedure for students subject to suspension; to provide for an exception to such immediate notice and hearing; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsection A of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 416. Discipline of pupils; suspension; expulsion

A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess. School principals may suspend from school any pupil who is guilty of willful disobedience; who treats with intentional disrespect a teacher, principal, superintendent, member, or employee of the local school board; who makes against any one of them an unfounded charge; who uses unchaste or profane language; who is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates; who uses tobacco, alcoholic beverages, any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law, in any form in school buildings or on school grounds; who disturbs the school and habitually violates any rule; who cuts, defaces, or injures any part of public school buildings, or any property belonging to the buildings; or who writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk, or building on the way to or from school; or who is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury; or who throws missiles on the school grounds liable to injure other pupils, or who instigates or participates in fights while under school supervision; or who violates traffic and safety regulations; or who leaves the school premises without permission; or who leaves his classroom during class hours or detention without permission; or who is habitually tardy or absent; or who commits any other serious offense. Prior to any suspension, the school principal, or his designee, shall advise the pupil in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his designee. A student whose presence in or about a school poses a continued danger to persons or property or an ongoing threat of disruption to the academic process may be immediately removed from the school premises without the benefit of the procedure described hereinabove; providing that the necessary procedure shall follow as soon as is practicable. Notice in writing of the suspension and the reasons therefor shall be given to the parent or parents of the pupil suspended. Any parent, tutor or legal guardian of a pupil suspended shall have the right to appeal to the parish superintendent of schools, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent of schools to remit any portion of the time of suspension. A pupil suspended for damages to any property belonging to the school system shall not be readmitted until payment in full has been made for such damage or until directed by the superintendent of schools.

* * *

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 16, 1975

Regular Session, 1975

HOUSE BILL NO. 1222

BY MESSRS. M. J. LABORDE, CAIN, LEITHMAN, LEBLEU, HAINKEL, JENKINS, DEEN, O'NEAL, SCOGIN, SOUR, MILLS, DISCHLER, ROBILLARD, STEPHENSON, D'GEROLAMO, ACKAL AND GUNTER

ACT 559

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new section to be designated as Section 416.1 to provide that teachers and school authorities may employ reasonable disciplinary and corrective measures to maintain order in schools subject to regulation adopted by the school board to provide with reference to suits against teachers, principals and administrators of the public schools; to require the school board employing such teacher, principal or administrator to provide a defense to suits against such persons and indemnify such persons against any judgments rendered therein.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 416.1 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§ 416.1 Discipline of pupils; additional disciplinary authority

A. In addition to the specific disciplinary measures authorized in Section 416 teachers, principals, and administrators of the public schools may, subject to any rules as may be adopted by the parish or city school board, employ other reasonable disciplinary and corrective measures to maintain order in the schools; provided, however, that nothing in this Section shall be construed as superseding the provisions of Section 416 of Title 17 of the Louisiana Revised Statutes of 1950 relative to the disciplining of students, suspension, and expulsions.

B. Should any teacher, principal or administrator in the public school system be sued for damages by any student, the parent of any student or other persons qualified to bring suit on behalf of such student based upon the act or omission of such teacher, principal or administrator in the directing of and disciplining of school children under their care and supervision, it shall be the responsibility of the school board employing such teacher, principal or administrator to provide such defendant with a legal defense to such suit including reasonable attorney's fees, investigatory costs and other related expenses. Should any such teacher, principal or administrator be cast in judgment for damages in such suit, it shall be the obligation of the school board employing such defendant to indemnify him fully against such judgment including all principal, interest and costs. Nothing in this section shall require a school board to indemnify a teacher, principal or administrator against a judgment wherein there is a specific decree in the judgment that the action of the teacher, principal or administrator was malicious, and willfully and deliberately intended to cause bodily harm.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. If any provision or item of this Act or application thereof is held invalid such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 17, 1975

Regular Session, 1975

HOUSE BILL NO. 1239

BY MRS. TAYLOR AND MESSRS. CONNOR AND J. JACKSON

ACT 762

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Section to be designated as R.S. 17:416.1 providing that students suspended or expelled from school be kept under the supervision of the school board using alternative education programs adopted by the State Board of Elementary and Secondary Education; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 17:416.1 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§ 416.1 Supervision of suspended or expelled students

Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416 shall be kept under the supervision of the parish school board or city school board, as the case may be, using such alternative education programs for suspended and expelled students as adopted by the State Board of Elementary and Secondary Education and approved by the parish or city school board; provided, however, that this Act will not become operative unless and until it is fully funded by state and/or federal funds.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 23, 1975

Regular Session, 1976

HOUSE BILL NO. 1274

BY MESSRS. CARSON, FAUCHEAUX, F. THOMPSON, BELLA, CAIN, CHAMPAGNE, DIMOS, DISCHLER, DOUCET, DREW, DUNN, ENSMINGER, GUNTER, HOLSTEAD, JENKINS, JOHN, JOHNSON, KENNARD, M. LABORDE, MCNAMARA, O'NEAL, PICARD, RICHEY, SCOGIN, SCOTT, SOUR, TAUZIN, M. THOMPSON, R. THOMPSON, TOCA AND ULLO AND SENATORS NICHOLSON, DECUIR, JUMONVILLE, DOUCET AND E. BARHAM

ACT 688

AN ACT

To amend and reenact Section 223 of Title 17 of the Louisiana Revised Statutes of 1950, relative to discipline of pupils, to permit any teacher or principal to use reasonable corporal punishment against any pupil for good cause, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 223 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§223. Discipline of pupils; suspension from school

Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess. Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools, subject to the provisions of R.S. 17:416.1. On or before January 1, 1977 each parish or municipal school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district. In addition, school principals may suspend from school any pupil for good cause, as stated in R.S. 17:416. Principals shall notify the visiting teacher, or supervisor of child welfare and/or attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher, or supervisor of child welfare and/or attendance, shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:_______________

Regular Session, 1978

SENATE BILL NO. 917 (By Authority of SCR No. 100) ACT NO. 689

BY MR. RANDOLPH

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Section to designated as R.S. 17:13.1, to provide for development and establishment of minimum guidelines for a pilot program to be used by the public schools for the prevention of and dealing with crime and disruptive behavior, by the Department of Education; to provide for the apportionment and use of state monies provided for the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 13.1 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§13.1. Prevention of crime and disruptive behavior

A. The Department of Education shall develop and establish minimum guidelines for a pilot program to be used by the public schools of the state on the prevention of crime and disruptive behavior. In order to coordinate and effectuate the improvement of instruction and the development and training of teachers in the program, the preparation and distribution of instructional materials, and the development of program guidelines, the department shall utilize the services of the appropriate division thereof, and of the parish and city school boards of the state as applicable.

B. In developing the program guidelines, the department, at a minimum, shall:

(1) Assess the problem of disruptive behavior in the local school systems in order to provide data on a statewide basis and to define the specific needs of the students:

(2) Provide continued training of personnel within the department and within the applicable local school systems in order to enhance the development and training of personnel in dealing with the prevention of crime and disruptive behavior;

(3) Provide for community programs to educate members of the community concerning crime and disruptive behavior and to involve the community in the means of contributing to the solution to these problems;

(4) Research on a continuing basis in order to define further needs and to design model programs to meet these needs; and

(5) Consider existing programs within the state which may be utilized or modified in order to deliver the program to the city and parish schools in the state.

C In addition to monies available from other sources, the program shall be financed by the state on the basis of one dollar per average daily attendance at each of the city and parish schools of the state as hereinafter provided:

(1) To coordinate and train professional personnel to provide technical assistance to the applicable city and parish school boards of this state based on assessed needs. City and parish school boards may provide additional funds for local coordination and training;

(2) To provide for the costs of material and staff development on a local basis; and

(3) To provide costs of training of state and local personnel.

Each applicable city and parish school board on a voluntary basis shall submit a plan of action, a budget and a method of evaluation to the department of approval prior to their implementing a plan of program development in accordance with the minimum guidelines established by the Department of Education. The monies herein provided for shall be disbursed locally by the department to the city and parish school boards participating in the programs under this Act on the basis of average daily attendance.

Section 2. The provisions of this Act shall be implemented only if funds are appropriated for the purposes of this Act.

Section 3. If any provisions or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

REVISION OF §§ 448

DISCIPLINING THE HANDICAPPED

ACT 754

D. The IEP shall be revised annually to shift the placement of children to schools nearer their home whenever required by the direct service requirements set forth in Subpart 444 of this Part.

§ 448 Discipline.

A handicapped or other exceptional child may not be expelled or suspended from school or otherwise subjected to disciplinary treatment if the behavior for which action is being taken is related to the child's exceptionality. Where an exceptional child is so disruptive in the regular classroom or other alternative setting that the education of other students is impaired, the needs of the child cannot be met in that environment. Accordingly, continued placement would not be the least restrictive environment appropriate to the needs of the child and a review of the child's IEP and placement described in Subpart 447 of this Part must be undertaken.

§459. Review of Placement Resulting from Disciplinary Action

A. An exceptional child shall not be expelled or suspended from school or otherwise subjected to disciplinary treatment if the behavior for which action is being taken is related to the child's exceptionality. Additional assessment may be necessary to determine that the behavior is not related to the exceptionality.

B. In any case of such disciplinary action involving special education students, notice of action requiring an interruption in educational services for an exceptional child must be sent to the parish supervisor of special education within one operational day. Such notice shall indicate the action taken and the reasons for the action.

C. Where an exceptional child is so disruptive in the regular classroom with supportive aids and services or other alternative setting that the education of other students is impaired, it is suspected that the needs of the child cannot be met in that environment and continued placement would not be the least restrictive environment appropriate to the needs of the child. In lieu of suspension or expulsion, the child shall be placed on temporary homebound instruction for a period not to exceed a reasonable number of days in order to conduct the IEP review meeting.

Regular Session, 1976

HOUSE BILL NO. 254

BY MESSRS. D'GEROLAMO AND J. JACKSON

ACT 425

AN ACT

To amend and reenact Section 221 of Title 17 of the Louisiana Revised Statutes of 1950, to increase the fine to be levied against a parent or tutor or other person who is responsible for sending a child to school.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 221 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§221. Age of Compulsory attendance; duty of parents; penalty

Every parent, tutor, or other person residing within the state of Louisiana, having control or charge of any child between the ages of seven and fifteen, both inclusive (i.e., from the seventh to the sixteenth birthday), shall send such child to a public or private day school provided that any child below the age of seven who legally enrolls in school shall also be subject to the provisions of this Subpart. Every parent, tutor, or other person responsible for sending a child to a public or private day school under provisions of this Subpart shall also assure the attendance of such child in regularly assigned classes during regular school hours established by the school board.

Whoever violates the provisions of this Section or any other provisions of this Subpart shall be fined not more than fifteen dollars. Each day the violation continues shall constitute a separate offense.

H.B. NO. 254

Visiting teachers, or supervisors of child welfare and attendance, with the approval of the parish or city superintendents of schools, shall file proceedings in court to enforce the provisions of this Subpart.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________

Regular Session, 1975
HOUSE BILL NO. 1601
BY MRS. TAYLOR

ACT 777

AN ACT

To amend and reenact Sections 230 and 232 of Title 17 of the Louisiana Revised Statutes of 1950, to provide for the powers and duties of visiting teachers, or supervisors of child welfare and attendance; to provide for the keeping of attendance records and the duty to furnish such records to visiting teachers, or supervisors of child welfare and attendance; to provide penalties for violations thereof; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Sections 230 and 232 of Title 17 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§ 230. Powers and duties of visiting teachers, or supervisors of child welfare and attendance

Visiting teachers, or supervisors of child welfare and attendance, shall have all the powers, duties and responsibilities vested or which may be vested in attendance officers by the compulsory attendance laws of this state. The powers, duties and responsibilities of visiting teachers, or supervisors of child welfare and attendance, shall include, but not be limited to, the following:

(1) Maintaining and keeping pupil attendance accounting records on forms approved by the State Board of Elementary and Secondary Education;

(2) Investigating cases of nonenrollment and unexcused absences from school of all children within the compulsory school attendance age;

(3) Giving written notice, either in person or by registered mail, to the parent, tutor or other person having control or charge of a child within the compulsory school attendance age, when no valid reason is found for a child's nonenrollment or unexcused absence from school, requiring enrollment or attendance within three days from the date of notice;

(4) Visiting the home or place of residence of a child and any other place in which he is likely to find any child who is required to attend school when such child is absent from school during school hours, and when such child shall have been found, to return him to his parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent;

(5) Keeping an accurate record of attendance of all children returned to schools or homes, of all cases prosecuted, and of all other services performed. A written report of all such activities shall be made monthly and annually to the parish or city superintendent of education and to the state director of child welfare and attendance.

In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the state departments of public welfare, labor, health, and other state agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement of this Sub-part.

§ 232. Attendance records, principals' and teachers' duty to furnish; penalty for violation

Visiting teachers, or supervisors of child welfare and attendance, shall receive the cooperation of all teachers and principals, public and private, in the parish or city in which they are appointed to serve. The principals, or heads, and the teachers of all schools, public, private, denomination, and parochial, shall report in writing to the visiting teachers, or supervisors of child welfare and attendance, the names, birthdates, race, parents, and residence of all pupils in attendance at their schools or classes within thirty days after the beginning of the school term or session, and at such other times as may be required by the State Board of Elementary and Secondary Education or the State Department of Education.

The attendance of all school pupils shall be checked each school day and at the beginning of each class period and shall be verified by the teacher keeping such record, which shall be open to inspection by the visiting teacher, or supervisor of child welfare and attendance, or duly authorized representative, at all reasonable times. All schools shall immediately report to the visiting teacher, or supervisor of child welfare and attendance, any unexplained, unexcused, or illegal absence, or habitual tardiness.

Whoever violates this Section or the rules and regulations of the State Board of Elementary and Secondary Education or the State Department of Education pertaining hereto shall be punished in accordance with R.S. 17:221.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

James E. Fitzmorris
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 23, 1975

EXCERPT FROM SENATE BILL NO. 47, ACT 274, REGULAR SESSION, 1975

§ 12. Census of educables; use of federal census

A. Under the supervision, direction, and control of the board, an enumeration of all educable children in each parish may be made between April 1, 1976 and July 1, 1976 and every four years thereafter. The board shall plan the procedure; prepare and distribute to the parish school boards uniform record and report blanks; require an affidavit as to correctness and reliability from each enumerator selected by each parish board and also the parish superintendent of education; review the returns, check, verify, and correct the same in such manner it deems conducive to accuracy; determine and certify the same; fix the upper limit of cost upon a per capita baris; and, in the event of a marked divergence from the preceding school census or from any other valid or reliable evidence or source, require a recount to be made wholly at the expense of the parish school board affected.

B. The board may take a school census or use the current federal census.

perform in a healthy and normal manner his expected educational and social functions. The legislature further recognizes that dependence on drugs or alcohol is an illness that can be identified or diagnosed, arrested, and treated. The legislature further recognizes that substantial alleviation of these problems may result from the development and implementation of relevant prevention programs and curricula in the public school systems of this state.

B. The State Board of Elementary and Secondary Education shall include in the curriculum of all public schools in this state a program of substance abuse prevention, to include informational, effective, and counseling strategies, and information designed to reduce the likelihood that students will injure themselves or others through the misuse and abuse of chemical substances.

C. The state superintendent of education with the approval of the State Board of Elementary and Secondary Education shall develop, furnish to local school boards, and coordinate the implementation of programs and curricula designed to educate and develop life coping skills in an effort to reduce the use and abuse of chemical substances, for all school children according to their age and understanding. The programs and curricula shall also include procedures for identifying students who exhibit signs of misuse or abuse of such substances and for referral for counseling or treatment, as an alternative to other disciplinary procedures and sanctions provided by law, or in other cases where such referral would be appropriate. However, the local school boards may elect to develop a program or curriculum of their own provided that it is approved by the state superintendent of education and the Board of Elementary and Secondary Education.

H.B. NO. 463

SS 263. Establishment of programs of substance abuse

The state superintendent of education with the approval of the Board of Elementary and Secondary Education shall direct and require the local school boards to establish and maintain in all grades of the public schools of their respective systems, such programs of substance abuse prevention, education, information, counseling, and referral as may be required by the board and to utilize existing personnel for the implementation of these programs. The state superintendent of education and the Board of Elementary and Secondary Education shall conduct a study of existing programs, resources, and needs of local school boards, and shall utilize this data and local school personnel in the development of a state plan, curricula, and minimum standards for substance abuse prevention programs.

Section 2. Sections 264 and 265 of Title 17 of the Louisiana Revised Statutes of 1950 are hereby repealed in their entirety.

Section 3. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

APPROVED: ____________________

GOVERNOR OF THE STATE OF LOUISIANA

ACT 658 (Section 1. Section 416.3 of Title 17 - Revised Statutes of 1950)

§ 416.3 Search of students' persons, desks, lockers; defense of suits against school personnel; indemnification

A. The parish or city school systems of the state are the exclusive owner of any public school building; [1]any desk or locker of any student contained therein or any other area of any public school building or grounds area of any public school building or grounds set aside specifically for said student's personal use, and any teacher, principal or administrator in any parish or city school system of the state may, with probable cause that any said building, desk, locker, area of grounds contains any weapon or illegal drug, search such building, desk, locker, area or grounds; any said teacher, principal or administrator may, with reasonable belief that any student shall have in his possession on public school property, any weapon or illegal drug, search the person of said student provided that any such action of the teacher, principal or administrator shall not be malicious or willfully and deliberately intended to harass, embarrass or intimidate the student, and further provided that the evidence seized herein can not be used in criminal or juvenile court prosecution.

B. Should any teacher, principal or administrator in the public school system by sued for damages by any student, the parent of any student or other persons qualified to bring suit on behalf of such student based upon a search of that student's person, desk, locker or any other area of a school building or grounds set aside specifically for the student's personal use when the teacher, principal or administrator had reason to believe that the student had on his person or that such desk, locker or other area contained weapons or illegal drugs, it shall be the responsibility of the school board employing such teacher, principal or administrator to provide such defendant with a legal defense to such suit including reasonable attorney's fees, investigatory costs and other related expenses. Should any such teacher, principal or administrator be cast in judgment for damages in such suit, it shall be the obligation of the school board employing such defendant to indemnify him fully against such judgment including all principal, interest and cost. Nothing in this Section shall require a school board to indemnify a teacher, principal or administrator against a judgment wherein there is a specific finding that the action of the teacher, principal or administrator was malicious, and willfully and deliberately intended to harass, embarrass or intimidate the student.

C. On or before January 1, 1978, each parish or city school board shall adopt a policy to provide for reasonable search and seizure by the public school, teachers, principals and other school administrators of students' persons, desks, lockers or other school areas for illegal drugs and weapons. Nothing in this Section shall require defense and/or indemnification by a school board of a teacher, principal, or other school administrator for suits regarding search and seizure unless such acts are in accordance with the policy adopted by the local school board provided said policy shall be declared reasonable by any court of competent jurisdiction.

The policy adopted by local school boards shall in no way prohibit reasonable searches and seizures by public school teachers, principals, and other school administrators of students' persons, desks, lockers or other school areas for illegal drugs and weapons.

Added by Acts 1977, No. 658, § 1.

[1] Punctuation so in enrolled bill.

ACT 368

REGULAR SESSION, 1972 HOUSE BILL NO. 835

BY MESSRS. WOMACK, J. JACKSON, A. JACKSON, CONNOR, CHARBONNET, MARCHAND, BARES, O'NEAL AND DUNN AND MRS. TAYLOR AND SENATOR MOUTON

AN ACT

To amend and reenact Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, as heretofore amended, comprising R.S. 17:1941 through 17:1952, to more specifically define and fix the duties of the State Department of Education, the State Board of Education, parish and city school boards with regard to the education and training of all Louisiana children, and especially those children of public school age needing special education or training; to declare the policy of the state; to provide for the identification of those requiring special education; to provide for special education for those identified either in normal classes, special classes, day school, or elsewhere; to provide for the payment of extra cost of instruction, education or training of handicapped and other children needing special education; to provide qualifications for supervisors, therapists, teachers and aides; to provide for the purchase of private and contract services; to provide for administration of this chapter; to provide for cooperation with other agencies and the acceptance of gifts and donations; to provide for competent authorities for evaluation of handicapped and other exceptional children; to provide for special classes upon petition by parents or guardians; to provide that names, facts, and opinions be furnished parish and city school boards, to the State Department of Education, and other volunteer agencies designated by the State Board of Education, and to repeal all existing laws in conflict herewith.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, as heretofore amended, being R.S. 17:1941 through 17:1952, is hereby amended and reenacted to read as follows:

CHAPTER 8. SPECIAL EDUCATION AND TRAINING

PART I. EDUCATIONAL AND TRAINING FACILITIES AND OPPORTUNITIES FOR THE HANDICAPPED

§ 1941. Declaration of public policy

It is and shall be the duty of the various branches and divisions of the public school system of Louisiana, both state and local, to offer the best available educational, learning, and training facilities, services, classes, and opportunities to all children of school age within their respective boundaries. This includes all children of school age whether normal, exceptional, crippled, or otherwise either mentally or physically handicapped, and whatever may be the degree of that handicap.

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H. B. 835

§ 1942. Purpose of part

The purpose of this part is to require that suitable special education and training facilities, services, classes, and opportunities be provided for all physically and/or mentally handicapped and other exceptional children of public school age, or within the broader age limits hereinafter provided.

(1) Physically handicapped, mentally handicapped, and other exceptional children, for the purposes of this and subsequent sections, include slow learners, educable, and trainable mentally retarded; deaf and hard of hearing; speech impaired; blind and/or partially sighted; emotionally disturbed; cerebral palsied; gifted; children with learning disabilities, crippled, and other health impaired children who by reason thereof require or need special educational and/or training services, facilities and opportunities. Trainable mentally retarded shall include children down to 25 I.Q.

(2) Children who have been identified and are eligible for services in the categories described in the preceding paragraph shall not be less than three years of age nor more than twenty-one years of age, subject to the rules and regulations of the State Board of Education concerning the age groups of children who may be taught or trained together.

§ 1943. Identification for special educational or training services required for exclusion from normal classes

No child shall be excluded from normal classes because of mental or physical disability or handicap until his condition has been diagnosed and he has been recommended for available special education classes by one of the special education centers located in the state colleges and universities or by other competent authorities designated by the State Department of Education, pursuant to the rules and regulations of the State Board of Education. A personal consultation with the parent or guardian shall be provided. Upon request a written summary statement of the diagnosis and recommendation will be provided to the parent or guardian. The parent or guardian shall have the right to have the child retested by other competent public or private authorities, and, if the testing justifies, to determine the correct evaluation in the district court or juvenile court of the parish of the child's domicile.

(1) The provisions of this section shall not forbid the exclusion of a child from normal classes or from special education classes for disciplinarian reasons, but no child who is not handicapped, including emotionally disturbed, shall be assigned to a class for the handicapped because of disciplinarian reasons. He shall upon proper diagnosis and evaluation, be assigned to a class for his specific handicap.

(2) Parish and city school boards shall, upon written demand by the parents or guardians of children having difficulties in normal school classes, have the child diagnosed and evaluated as above provided, unless such a diagnosis or evaluation has been made within the past one year. Diagnosis and reevaluation shall be required for each child every three years.

(3) The parents and supervisor of special education services of the parish or city school board may request a reevaluation after six months of enrollment in a special education class.

H. B. 835

§ 1944. Special education teachers, classes, materials, opportunities, day schools, hospital classes, home instruction

Parish and city school boards shall, subject to the limitations hereinafter specified, provide special education teachers, aides, materials, and opportunities for all children within their boundaries diagnosed as needing special education, to the end that such children shall be kept in normal school classes unless the number thereof be sufficient to justify the establishment and maintenance of special classes. For the same purpose parish and city school boards shall provide transportation as necessary and as rapidly as possible remove all architectural and other barriers making it impossible or impractical for such children to attend normal classes.

Whenever best educational or training results can be obtained by assembling special classes of any of the several types of children specified in R.S. 17:1942, the parish and city school boards shall establish and maintain such special educational and/or training facilities and classes for such children. Adjacent and nearby parish and city school boards may pool their resources for this purpose.

§ 1945. Payment of extra cost of instruction, education or training of handicapped and other exceptional children

Whether the handicapped children certified as needing or requiring special educational or training services as provided in R.S. 17:1943 are served in normal classes, special classes, day schools, hospital classes, or in their homes, each parish and city school board is hereby authorized to include in its cost program the salaries, according to the Official Louisiana Teachers Salary Schedule, of each special education teacher, therapist, and/or teachers' aide who is qualified according to the requirements of the State Board of Education and who is engaged in the teaching or training, exclusively, of handicapped or other exceptional children who are eligible to receive such education or training according to the rules and regulations of the State Board of Education.

The allotment of teachers as hereinabove stated is in addition to the allotment of teachers in the regular classroom and is based on the following minimum-maximum pupils per teacher or therapist:

(1) Slow learners - 1 teacher per 12-18 pupils

(2) Educable mentally retarded - 1 teacher per 10-15 pupils

(3) Trainable mentally retarded - 1 teacher per 8-12 pupils

(4) Deaf or hard of hearing - 1 teacher per 8-10 pupils

(5) Blind or partially sighted - 1 teacher per 10 pupils

(6) Speech impaired - 1 therapist per 100 pupils

(7) Cerebral palsied - 1 teacher per 8-10 pupils

(8) Emotionally disturbed - 1 teacher per 8-10 pupils

(9) Severely and profoundly mentally retarded - 1 teacher per 5-7 pupils

(10) Learning disabled - 1 teacher per 8-10 pupils

(11) Others - as determined by regulation of the State Board of Education.

There shall not be a chronological age span of more than three years and an instructional span of not more than three grades and/or achievement levels applicable to all of the above categories.

When there are fewer than the minimum number of pupils per teacher as specified above, then the state allotment for the approved teacher, therapist or aide shall be reduced one-tenth for each pupil less than the specified minimum. The amount of the reduced state allotment shall be paid the teacher from the local school board funds.

The special education teachers, therapists, and aides employed by the state allotment as aforesaid shall be used entirely to serve those children needing special educational or training services for whose benefit the state allotment was made. If the children are not assembled in special classes, these services shall be rendered under such rules and regulations as the State Department of Education and the parish or city school board may adopt.

§ 1946. Qualifications of supervisors, teachers, therapists, and aides

No person shall be employed as director, supervisor, therapist, teacher, or aide, who does not hold a valid degree of certificate as provided by law or unless he has had such special training as the state superintendent of education may require. Provided, however, that the requirements shall not prevent the implementation of this Act.

§ 1947. Purchase of services

Parish and city school boards may, with the consent and approval of the State Department of Education, contract with nearby public school districts, the State Department of Hospitals, or approved private schools, facilities, or contractors for the rendition of special educational and training services, on the job training, or distributive education to particular handicapped or exceptional children when for valid reasons it is not feasible or desirable for the parish or city school board to itself serve the particular child or children to the same extent. This shall not relieve the parish or city school board or State Department of Education of its obligation of supervision. In such event the parish or city school board is authorized to pay tuition or training costs not to exceed the average gross cost per educable in the school district plus the pro rata part of the state allotment provided above for serving pupils requiring special education, training, or opportunities. The time of payment may be determined by contract.

No pupil shall be eligible for funds for contract services under this Act unless he has been diagnosed and evaluated as eligible to enroll in an appropriate special education class or facility if such were available in his parish or city of residence.

Contracts for the services of the Department of Hospitals shall not be made with regard to any child with an I.Q. above 25 unless other handicaps make him totally unsuitable for special education or training from the public school system of Louisiana; provided, however, that the State Board of Education may contract with designated certified state mental health centers and clinics for the evaluation and diagnosis of handicapped children for assignment to special education classes.

§ 1948. Administration of chapter

The entire provisions of this chapter shall be administered by the State Department of Education, with the approval of the State Board of Education, and on the parish level, by the parish or city school boards; and the State Board of Education shall promulgate such rules and regulations as it may deem necessary for the proper administration of this chapter.

The State Board of Education shall prescribe the standards and approve the conditions under which the facilities are furnished or services purchased. The state superintendent of education shall be responsible for administering the same.

§ 1949. Cooperation with other agencies; gifts or donations

The parish and state school agencies are authorized to cooperate with other agencies within the state, both public and private, that are interested in working toward the education or training or the alleviation of the handicaps of handicapped children and other exceptional children, and said educational agencies are authorized to accept gifts or donations, or aid from such private agencies.

§ 1950. Location of centers

Special education centers located in state colleges and universities are designated as competent authorities for the psychological and educational diagnosis and evaluation of handicapped and other exceptional children, and pupils may be assigned to such special classes or facilities, or for special education centers or other certified persons or agencies approved by the State Department of Education. These special education centers may contract with certified state mental health centers and clinics which are approved by the State Department of Education for the evaluation and diagnosis of these exceptional and handicapped children.

In parishes or city systems not served by a college or university special education center, pupils may be assigned to special classes or facilities or for special education or training, only upon the recommendation of other competent authorities approved by the State Department of Education.

§ 1951. Petition for special class; organization

When there are five or more of any type of handicapped or other exceptional children who can reasonably be taught together, then the parents or guardians of such children may petition the parish or city school board for the organization of an appropriate class or facility for such children, subject to the conditions of this Chapter and the rules and regulations of the State Board of Education.

The rejection of any such petition shall be subject to court review upon petition by the parents or guardians of such children.

§ 1952. Names, facts and opinions to be furnished parish and city school boards, state department of education

It shall be the duty of all state agencies offering services to handicapped and other exceptional children, to provide to appropriate parish and city school boards and/or the State Department of Education or its designated competent authorities, names, facts, and opinions pertinent to the proper educational or training placement of handicapped or other exceptional children who are enrolled or who expect to enroll in the public schools, and to advise other volunteer agencies by the State Board of Education of those facts concerning any child excluded from normal classes because of mental retardation.

The facts and opinions pertinent to the proper education or training of handicapped and other exceptional children shall so far as practical divide the children according to type of handicap and the cause therefor, and if mentally retarded the degree of mental retardation and the cause therefor if known. It being especially recognized that different types of mentally retarded children need different types of special education and training. Insofar as possible overlapping or combined handicaps and health problems should be recognized and reported.

Section 2. The provisions of this Act shall become effective no later than in the 1973-74 school year.

Section 3. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

/s/ E. L. Henry
SPEAKER OF THE HOUSE OF REPRESENTATIVES

/s/ James E. Fitzmorris
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

/s/ Edwin W. Edwards
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: July 12, 1972

According to the Louisiana State Department of Education's attorney, educators are not covered under the limitations of liability granted to surgeons and nurses under the Good Samaritan Law.

School nurses are only covered if they render first aid at the scene of an accident.

R.S. 37:1731 Professions and Occupations Title 37

PART V. GOOD SAMARITAN LAW

§ 1731. Gratuitous service at scene of emergency; limitation on liability

No physician or surgeon licensed under the provisions of Chapter 15 of this Title, or nurses licensed under the provisions of Chapter 11 of this Title who in good faith gratuitously renders emergency care or services at the scene of an emergency, except in a public or private hospital of this State, to a person or persons in need thereof shall be liable for any civil damages as a result of any act or omission by such person in rendering the care or services or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person involved in said emergency.

Any physician, surgeon or member of the medical profession who is not licensed to practice medicine in Louisiana but who holds a valid license to practice medicine in any other state of the United States who gratuitiously renders care or services at the scene of an emergency as herein provided shall not be charged with violation of the Louisiana Medical Practice Act. Acts 1964, No. 46, § 1.

HISTORY AND SOURCE OF LAW

An Act to provide that no physician, surgeon or nurse who renders gratuitous service or care at the scene of an emergency, except in a public or private hospital, shall be liable for civil damages for any act or omission in rendering such services or care, or failure to arrange or provide for further medical treatment or care to the persons involved in the emergency and to relieve physicians, surgeons and members of the medical profession who render such service from charges of violation of the Medical Practices Act. Acts 1964, No. 46.

Law Review Commentaries

Louisiana Legislation of 1964: A Symposium.

Torts, Wex S. Malone, 25 La. L.Rev. 47(1964)

§ 403. Abuse of children; reports; immunity; central registry; investigations; definitions; waiver of privilege; penalties

A. The purpose of this section is to protect children whose physical or mental health and welfare are adversely affected by abuse and/or neglect and may be further threatened by the conduct of those responsible for their care and protection by providing for the mandatory reporting of suspected cases by any person having reasonable cause to believe that such case exists. It is intended that as a result of such reports the protective services of the state shall be brought to bear on the situation in an effort to prevent further abuses, and to safeguard and enhance the welfare of these children. This section shall be administered and interpreted to provide the greatest possible protection as promptly as possible for such children.

B. For the purposes of this section, the following terms shall mean:

(1) "Person" or "persons" is any individual, partnership, association, agency, or corporation, and specifically shall include city, parish, or state law enforcement agencies.

(2) "Child" is any individual under the age of seventeen years.

(3) "Abuse" is the infliction of physical or mental injury or the causing of the deterioration of a child and shall include exploiting or overworking a child to such an extent that his health, moral or emotional well-being is endangered.

(4) "Neglect" is the failure to provide by those legally responsible for the care and maintenance of the child, the proper or necessary support, education as required by law, or medical, surgical, or any other care necessary for his well-being. No child who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.

C. (1) Any person having cause to believe that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect such as licensed physicians, interns, or residents, nurses, hospital staff members, teachers, social workers, and other persons or agencies having the responsibility for the care of the children, shall report in accordance with Subsection D of this section.

(2) Any other person having cause to believe that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect may report in accordance with Subsection D of this section.

D. (1) Reports reflecting the reporter's belief that a child has been abused or neglected shall be made to the parish child welfare unit, or the parish agency responsible for the protection of juveniles, or to any local or state law enforcement agency. These reports need not name the persons suspected of the alleged abuse or neglect.

(2) All reports shall contain the name and address of the child, the name and address of the person responsible for the care of the child, if available, and any other pertinent information.

(3) All reports received by any local or state law enforcement agency shall be referred to the parish child welfare unit, or to the parish agency responsible for the protection of juveniles.

(4) An oral report shall be made immediately upon learning of the abuse or neglect set forth in Paragraph (1) of this subsection, and a written report shall follow within five days to the same agency or department.

E. Any person other than the alleged violator reporting pursuant to this section in good faith shall have immunity from liability, civil and criminal, that otherwise might be incurred or imposed. Such immunity shall extend to participation in any judical proceeding resulting from such report.

F. Any privilege between husband and wife, or between any professional person and his client; such as physicians, and ministers, with the exception of the attorney and his client, shall not be grounds for excluding evidence at any proceeding regarding the abuse or neglect of the child or the cause thereof.

G. (1) The parish child welfare unit, or the parish agency responsible for the protection of juveniles, shall make a preliminary investigation promptly after receiving either the oral or written report, the primary purpose of which investigation shall be to ascertain the validity of the report.

(2) The investigation shall include the nature, extent, and cause of the abuse and neglect, the identity of the person or persons responsible for the abuse and neglect if known and an interview with the child and a visit to the child's home, if possible.

(3) Upon a determination that there is reason for believing the child to be abused or neglected, the parish child welfare unit, or the parish agency responsible for the protection of juveniles, shall conduct a more intensive investigation, and if there is evidence of child abuse or neglect shall report to the district attorney as soon as possible, the name and condition of the child as well as the names and conditions of the other children in the home, an evaluation of the parents, or persons responsible for the care of the child, the home environment, the relationship of the child and other children to the parents, or persons responsible for their care, and all other pertinent data.

(4) The report may also include a physical and psychological or psychiatric examination of some or all of the other children in the home, and of the parents or persons responsible for their care, if the social worker conducting the investigation deems it advisable.

(5) If admission to the home, school, or any place where the child may be cannot be obtained, or if permission of the parents or persons responsible for the child's care for the physical and/or psychological or psychiatric examination cannot be obtained, the court with juvenile jurisdiction, upon affidavit and with good cause shown, shall order the parent or persons responsible for the care of the child, or the person or persons in charge of any place where the child may be, to allow entrance for the interview, the above mentioned examinations, and other investigation.

(6) If before the investigation is complete immediate removal is necessary to protect the child from further abuse or neglect, or to render treatment, the parish child welfare unit, or the parish agency responsible for the protection of juveniles, upon affidavit and with good cause being shown, shall request the juvenile court or other court exercising juvenile jurisdiction to issue an instanter order for the temporary removal and placement of the child pending completion of the investigation and disposition of the case. No provision in this section shall be interpreted as limiting the existing authority of the juvenile court or other court exercising juvenile jurisdiction to issue an instanter order.

(7) The court, with notice to the district attorney, shall set a date and time for a hearing which shall be within a reasonable time but not more than forty-five days after issuance of the instanter order. The hearing shall be held with preference over other proceedings. The district attorney shall represent the interest of the state, which interest shall be the protection of the child. The court may also appoint an attorney to represent the sole interest of the child. The juvenile court or other court exercising juvenile jurisdiction shall have jurisdiction to issue any order it deems necessary for the protection and welfare of the child.

(8) The parish child welfare unit, or the parish agency responsible for the protection of juveniles, shall make a complete written report, of the investigation within twenty days after issuance of the instanter order to the district attorney.

(9) In cases where an instanter order is not necessary for the protection of the child, but a reassignment of custody is indicated, the parish child welfare unit, or the parish agency responsible for the protection of juveniles, shall submit a complete written report of the investigation within a reasonable time after receipt of the report referred to in Subsection D of this section to the district attorney. Within a reasonable time, but not more than forty-five days after the filing of the petition by the district attorney, the court shall set a date and time for a hearing. The hearing shall be held with preferrence over other proceedings. The district attorney shall represent the interest of the state, which interest shall be the protection of the child. The court may also appoint an attorney to represent the sole interest of the child.

H. There shall be established and maintained in Baton Rouge by the department of public welfare, a central registry of cases of child abuse and/or neglect reported from throughout the state. The department may adopt such rules and regulations as may be necessary in carrying out the provisions of this section; specifically, such rules shall provide for cooperation with local child service agencies, including but not limited to hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system. The provisions of this section shall become operative with regard to the Louisiana Department of Welfare as funds and staff become available.

I. Any person, except the included in Subsection E of this section, knowingly and willfully violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than

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five hundred dollars or imprisoned for not more than six months or both.

ACTS 1964, No. 116, § § 1 to 5. Amended by ACTS 1970, No. 636, § 1; ACTS 1972, No. 556, § 1; ACTS 1974, No. 384, § 1; ACTS 1974, c. 596, § 1.

R.S. 14:403H was amended twice by Acts 1974, Nos. 384 and 596 ACT 384, amending the entire section 403 of Title 14, is printed above. Act 596 amending only subsection H of section 403 of Title 14, reads in part as follows:

"H. There shall be established and maintained in Baton Rouge by the Louisiana Health and Social and Rehabilitation Services Administration, a central registry of all cases reported by account (sic) of competent jurisdiction wherein there is a finding of child abuse and/or neglect.

"The department may adopt such rules and regulations as may be necessary in carrying out the provisions of this section Specifically, such rules shall provide for cooperation with local child service agencies, including but not limited to hospitals, clinics and schools, and cooperation with other states in exchanging reports to effect a national registration system. The provisions of this act shall become operative with regard to the Louisiana Health and Social and Rehabilitation Services Administration as funds and staff become available."

Infants 13. C.J.S. Infants 11 et seq.

§ 1577. Detention; release; bond

Whenever a child is taken into detention, unless it is impracticable or inadvisable or has been otherwise ordered by the court, he shall be released to the care of a parent or custodian, upon the promise of such parent or custodian to bring the child to the court at the time fixed. The court may require a bond from such person for the appearance of the child; and upon the failure of such person to produce said child when directed to do so, the court may, in addition to declaring the bond forfeited, punish said person as in case of contempt. If not so released such child shall be taken immediately to the court or to the place of detention designated by the court or probation officer. Any police officer, sheriff, probation officer, or other peace officer violating any of the terms of this article may be judged guilty of contributing to the act or condition which would bring a child within the provisions of R.S. 13:1561 through 13:1592. Pending further disposition of the case, the child may be released to the care of a parent, agency or other person appointed by the court, or be detained in such place as shall be designated by the court or probation officer, subject to further order.

Nothing in R.S. 13:1561 through 13:1592 shall be construed as forbidding any peace officer from immediately detaining any child who is found violating any law or ordinance, or whose surroundings are such as to endanger his welfare. In every case the officer detaining any child shall immediately, and in any event within twenty-four hours, report the fact to the court or probation officer and the case shall then be proceeded with as provided in R.S. 13:1561 through 13:1592.

No child shall be confined in any police station, prison, or jail, or be transported or detained in association with criminal, vicious or dissolute

Regular Session, 1981

HOUSE BILL NO. 1875

BY MESSRS. DELPIT AND TURNLEY, MS. BAJOIE, MESSRS. BLEICH, BRADY, GRISBAUM,
A. JACKSON, KENNARD, MOVEA, SCOGIN, WEAVER, SIMMONEAUX, SOILEAU,
DISCHLER, STRAIN AND DIEZ

(SUBSTITUTE FOR HOUSE BILL NO. 1226 BY MESSRS. DELPIT AND TURNLEY

AN ACT

To amend Title 14 of the Louisiana Revised Statutes of 1950 by adding thereto a new Section, to be designated as R. S. 14:403.1, providing for required reports of suspected substance abuse in schools, confidentiality of reports, immunity of persons reporting in good faith, definitions of terms, disposition of reports by school principals, sanctions for not reporting such abuse, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 403.1 of Title 14 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§403.1. Substance abuse in schools; definitions; confidential; reports; immunity; penalty

A. The purpose of this Section is to protect teachers, administrators, school support personnel, and employees of the public school systems of this state from liability for damages as a result of reporting substance abuse on school campuses. It is intended that as a result of such reporting, the children attending schools in this state shall not be exposed to substance abuse while on campus, and law enforcement shall be aided in efforts to eradicate substance abuse by students.

B. For the purposes of this Section, the following terms shall mean:

(1) "Person" is any employee of a public school system including but not limited to, teachers, administrators, school bus drivers, janitors, lunch room workers, maintenance employees, and coaches of athletic teams.

(2) "Student" is any person enrolled at school, including any person so enrolled but on temporary suspension, and any person physically on campus, whether a student or non-student.

(3) "School" is any public elementary or secondary school in the state of Louisiana.

(4) "Campus" is all facilities and property within the boundary of the school property and all vehicles used for public transportation of students.

(5) "Controlled dangerous substance" is any substance regulated or defined in the Uniform Controlled Dangerous Substance Law, Part X, Chapter IV of Title 40 of the Louisiana Revised Statutes of 1950, except where prescribed by a physician and possessed and consumed by the person for whom prescribed.

(6) "Substance Abuse Prevention Team," hereafter sometimes referred to as "the team," is a panel of not less than six members consisting of at least on one (a) administrator, (b) teacher, (c) guidance counslor (d) parent representative, and (e) school support person. The team shall be trained by personnel from the Substance Abuse Prevention Education Program of the Louisiana Department of Education.

In the absence of the availability of a team trained by personnel from the Substance Abuse Prevention Education Program, the principal of a school may establish a substantially similar panel which shall be considered a substance abuse prevention team.

(C) (1) Any person having reasonable cause to believe that a student possesses a controlled dangerous substance or an alcoholic beverage on a school campus, under circumstances other than those described in Paragraph (2) of this Subsection, shall report such fact to the principal of the school or to the chairman of Substance Abuse Prevention Team on a report form prepared by the Department of Education or on a substantially similar form. If the report is to the principal, the principal immediately shall forward it to the chairman of the team.

The team shall discuss the circumstances of the report with the student reported without disclosing the name of the reporting person and shall also meet with the parents of the student reported. The team shall thereafter report to the principal of the school and make recommendations for treatment, counselling, or other appropriate action.

(2) Any person having factual knowledge that a student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance shall report such fact to the principal of the school who, upon a finding that there is reasonable cause to believe that the student has manufactured, distributed, or possessed with intent to distribute a controlled dangerous substance, shall report such information to the appropriate law enforcement agency. If the principal determines that there are reasonable grounds to believe the student possessed a controlled dangerous substance but did not manufacture, distribute, or possess with intent to distribute a controlled dangerous substance, he shall refer the matter to the Substance Abuse Prevention Team chairman.

(3) The report required in Paragraph (1) and (2) of the Subsection shall be written and shall include the name of the person making the report, the name of the student suspected of committing the act so reported, and the specific incident which caused the reporting person to believe the act had occurred. Sufficient detail shall be included to allow the report to be adequately reviewed. When appropriate, the report shall include a behavioral profile of the student since his enrollment in class.

D. The provisions of Subsection C of this Section shall not preclude any person from making a report of conduct to a law enforcement agency when that person has reasonable cause to believe that the manufacture or distribution of a controlled dangerous substance has or is taking place and that delay would jeopardize or impair the ability to control the manufacture or distribution of a controlled dangerous substance on a campus.

E. All reports filed pursuant to the Section shall be confidential. The identity of the reporting person shall not be disclosed except when the constitution of the State of Louisiana or the United States so requires. All reports shall be exempt from the Public Records Act.

F. Any person who makes a report in good faith, pursuant to Subsection C and D of this Section, shall have immunity from civil liability that otherwise might be incurred. Such immunity shall extend to testimony in any judicial proceeding resulting from such report.

G. The willful failure by a person with permanent status to make a report required by Subsection C of this Section shall constitute willful neglect of duty which may subject the person to dismissal pursuant to R.S. 17:443, R.S. 17:462, R.S. 17:493, R.S. 17:523, or 17:533, as appropriate. Any person without permanent status may be dismissed for willful neglect of duty under this Section after hearing in accordance with the procedures set forth in R.S. 17:443.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

Regular Session, 1981

ACT NO. ______

BY MR. BRINKHAUS AND REPRESENTATIVES BELLA AND J. JACKSON

AN ACT

To amend and reenact Subsection A of Section 7.3 of Title 17 of the Louisiana Revised Statutes of 1950, relative to continuing education for teachers and persons who qualify for such education, to include other professional personnel who are required to hold a Louisiana ancillary certificate, license, or permit issued by the State Board of Elementary and Secondary Education; to delete the prohibition against the simultaneous pursuit of courses at more than one university; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsection A of Section 7.3 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§7.3. Continuing education program for teachers; reimbursement to public and nonpublic colleges and universities for tuition costs; rules and regulations; reporting; repayment for noncompletion of courses

A. The State Board of Elementary and Secondary Education shall adopt rules and regulations establishing a program or programs of continuing education for degreed teachers in state approved elementary and secondary schools, full-time adult education teachers, any teacher in vocational-technical schools under the board's jurisdiction, teachers in institutions which offer thirteenth and fourteenth grade instruction, any full-time professional personnel assigned to programs involving the instruction or evaluation of students who are required by the board to hold an ancillary certificate, license, or permit, and any other degreed person holding a teacher's certificate and working in a supervisory capacity with an academic program within the state school system and under its jurisdiction. Such rules and regulations shall include provisions under which a teacher may continue his education at a public college or university in this state or at Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, St. Mary's Dominican College, Tulane University, or Xavier University for the purpose of taking one or more courses of instruction in his field or discipline and under which the teacher shall be exempt from the payment of tuition imposed by or applicable to the college or university he attends; however, the amount paid by the state for any tuition imposed by or applicable to the nonpublic college or university shall be equal to but not greater than the highest tuition charged by a public college or university in this state. In no case may state funds by used toward tuition for courses in theology or divinity.

However, tuition exemptions shall be limited to the amount of tuition assessed for on campus courses. For purposes of this Section, "tuition" is defined as registration fee and building use fee per semester hour. No student shall be allowed to participate in this program outside the geographical boundaries of the State of Louisiana.

All such rules and regulations shall be promulgated pursuant to Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950.

* * * * * * * * * * * * * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

Section 3. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:____________________

February 26, 1981

TO: Parish/City System Superintendents

FROM: Dr. Robert Gaston, Assistant Superintendent
for Academic Programs

SUBJECT: Attendance Requirements - Bulletin 741 Policy Revision

The purpose of this memorandum is to standardize the interpretation of the mandatory attendance requirements as stated in Bulletin 741. These regulations which disallow school credit for excessive absences have been left to the individual school systems for interpretation. This practice has resulted in a variety of implementation methods, some of which have been in direct conflict with the intent of the Bulletin 741 regulations and Act 109, Compulsory School Attendance.

Act 109 of 1964 requires,

> "Every parent, tutor, or other person residing within the State of Louisiana, having control or charge of any child between the ages of seven and fifteen, both inclusive (i.e., from the seventh to the sixteenth birthday), shall send such child to a public or private day school provided that any child below the age of seven who legally enrolls in school shall also be subject to the provisions of this Sub-part." (Section 221).

Section 225 further requires,

> "The minimum session of attendance required under this Sub-part shall be one hundred eighty (180) days, or the full session of the public school which the child would normally attend."

In 1976, the State Board of Elementary and Secondary Education instituted minimum attendance regulations for school credit, as follows:

> ELEMENTARY ATTENDANCE REQUIREMENTS -
>
> "Elementary children must be present a minimum of 140 days to be eligible to receive credit for the courses taken. Exception can be made only in the event of extended personal illness, as verified by a physician, and/or other extenuating circumstances as approved by the Parish Supervisor of Child Welfare and Attendance, in consultation with the principal." (Bulletin 741, P. 98).

> SECONDARY ATTENDANCE REQUIREMENTS -
> "Secondary students must be present a minimum of 70 days per semester to be eligible to receive credit for the courses taken. Exception can be made only in the event of extended personal illness, verified by a physician, and/or other extenuating circumstances approved by the Parish Supervisor of Child Welfare and Attendance in consultation with the principal." (Bulletin 741, P. 16).

These regulations give the Local School System the authority to deny course credit to students who were present in school less than the required days.

At its January meeting the State Board of Elementary and Secondary Education revised these policies as follows:

> Attendance Requirements - Elementary and Secondary
>
> "Each parish school board will have the option of establishing attendance requirements for elementary (grades one through eight) and secondary (grades nine through twelve) students, providing the limit for elementary students is not less than 140 days of attendance per year and secondary students not less than 70 days per semester. Credit will not be given if attendance goes below parish set limits. Exception can be made only in the event of extended personal illness verified by a physician, or other extenuating circumstances approved in accordance with procedures established by local school systems."

This new policy allows enforcement of parish adopted attendance policies which require school attendance other than the State minimum of 140 days annually (elementary) or 70 days per semester (secondary). Course credit may be denied to students not in compliance.

A popular misconception of these regulations has been that students are allowed 40 unexcused days of absences per year before these are affected by this policy. However, this interpretation is in direct conflict with Act 109, Section 225 (see above) and Section 226 (3) which details excusable absences.

Children temporarily excused from school, as follows:

(a) Children who are personally ill and whose attendance in school would endanger their own health or that of their classmates, each parish and city school board being hereby authorized to adopt and promulgate or publish such resolution as may seem wise and proper regarding the requirement of a certificate of a physician licensed to practice in the State of Louisiana in substantiation of the absence of children under this authorization of temporary absences;

(b) Children in whose families there is serious illness which would reasonably necessitate the absence from school if in the judgment of the visiting teacher, or supervisor of child welfare and attendance, such absence is justified, or if the illness is substantiated in writing by a physician licensed to practice in the State;

(c) Children in whose immediate family a death has occurred, such absence not to exceed one week because of and at the time of such death; and

(d) Children whose religious faith requires absence for the observance of special and recognized holidays of the child's own faith.

Children will not be excused from school to work in any job, including agriculture and domestic service, at any time, even in their own homes or for their own parents or tutors.

In summary, all absences must be accounted for as either "excused" or "unexcused." The Supervisor of Child Welfare and Attendance is responsible for determining extenuating circumstances for reasons beyond those specified in Act 109, Section 226.

In summary, students by law are to attend school for 180 days per year and it is strongly recommended that local school systems adopt specific policies relative to grading procedures, make-up work, etc., regarding all absences, both excused and unexcused.

RG:pf

OPINIONS OF

THE

ATTORNEY GENERAL

January 30, 1978

OPINION NO. 77-1725

Brother Felician Fourrier, S.C.
Acting Director
State of Louisiana
Board of Elementary and
Secondary Education
P. O. Box 44064
Baton Rouge, LA 70804

Dear Brother Fourrier:

Your opinion request addressed to the Attorney General has been referred to this office for attention and reply.

In response, we enclose for your reference, opinion number 77-1536, 77-927, 77-927-A, and 75-329.

These opinions cover extensively the subject of your opinion request. Nevertheless, questions continue to be raised regarding this matter. This suggests to us that further clarification is needed of our opinions and Bulletin 741 of the Department of Education.

Bulletin 741 approved by BESE sets out uniform minimum requirements for graduation throughout the state. This power to set policy is vested in BESE alone.

As we have stated in our opinions, a local school board or a particular school within a local school system does not have the authority to require more stringent attendance policies than those presently enforced and found in Bulletin 741. Neither does a local school board or a school within a local system have the authority to raise the academic requirements above the uniform minimum requirements enforced and found in 741.

This authority to raise standards over and above the uniform minimum requirements in Bulletin 741, can only be granted to a local school board or a local school by the Board of Elementary and Secondary Education (BESE).

The problem arises when BESE does grant a school board or a school the authority to raise its requirements above the minimum standards found in Bulletin 741. It is a practical problem and Bulletin 741, as presently written, offers no practical solution. For example, if X high school has been granted the authority by BESE to raise the requirements above the minimum standards, what are the rights of the student or school when the student fulfills the minimum requirements in Bulletin 741 but does not meet the more stringent requirements of X high school? Bulletin 741 offers no answer.

We have stated in our opinions, and we repeat herein, that under our existing laws and regulations a student who completes the minimum requirements set out in Bulletin 741 cannot be denied a state certificate of completion regardless of any standards that may be required by a school or local school system over and above the minimum requirements.

Therefore, we have a situation where the authority can be granted to raise standards with no practical means of implementation.

We offered a solution comparable to that existing in our private school system. Namely, a student in a private school who fulfills the minimum requirements of the state is granted a state certificate but is denied a diploma from that private school if he does not meet its standards. But the private and public school systems are different, and as such, we cannot consider it a satisfactory answer, particularly where Bulletin 741 is silent on the issue.

It is not our purpose or function to comment on policy matters reserved to BESE. Nevertheless as a matter of law, we are constrained to make the observation that this question cannot be properly resolved until such time as Bulletin 741 is revised or amended to provide a clear expression of our state law on this question.

The constitution of this country prohibits any laws that do not afford equal protection to all students. A uniform system of standards is imperative. You cannot deprive a student a state certificate in one parish if he fulfills the requirements of Bulletin 741 regardless of your consent to allow higher standards to a particular school or school system.

Therefore, we suggest that Bulletin 741 be amended to provide that in those instances where BESE authorizes higher academic standards than those presently enunciated in Bulletin 741, then that particular school can deny a diploma from that particular school but cannot deny that student a state certificate which certifies that a student has met and completed the minimum requirements of this state.

You specifically ask about attendance requirements and your authority to grant a local school board or a particular school the authority to require more stringent attendance requirements than those presently found and enforced in Bulletin 741.

Again, we state that BESE is vested with this authority. The principles of implementation remain the same as those previously expressed herein with regard to academic requirements. Namely, a student cannot be denied a state certificate if he meets this state's minimum attendance and academic requirements.

This opinion would not be complete unless we include herein a related matter that the board is familiar with.

Under our law, commonly referred to as G.E.D. (General Education Development), a student eighteen years or older, who has not met either or both of our minimum attendance and academic requirements, is afforded the right and opportunity to take an examination towards a state certificate or diploma. If successful, he is entitled to certification as a high school graduate. A student under eighteen years of age must apply to BESE for a waiver of this age requirement before he can be afforded this opportunity.

If further clarification is needed, please do not hesitate to call on this office.

Very truly yours,

WILLIAM J. GUSTE, JR.
Attorney General

BY: Paul J. Ferlita
PAUL J. FERLITA
Assistant Attorney General

PJF:fje:pf
Encl.

July 12, 1979

MEMORANDUM

TO: Francis Antill

FROM: David A. Hamilton

SUBJECT: Readmittance of Expelled or Suspended Students

It is my understanding that your question is whether or not a student who has been expelled for a school session must be readmitted to the public school of the parish in which he resides at the beginning of the following session. The applicable law in this instance is Revised Statute 17:416 (B) which reads as follows:

> Any student after being suspended on three occasions for committing any of the above offenses, during the same school session, shall on committing the fourth such offense, be expelled from the public schools of the parish wherein he resided until the beginning of the next regular school session, subject to the review and approval of the local school board.

The law clearly states that an expulsion can only be for one session and at the end of that session the student is eligible for readmittance to the school, assuming that he meets the residency requirements, at the beginning of the next session. Furthermore, there is an Attorney General's Opinion, Number 75-1077, dated September 12, 1975, which addresses the question as to whether or not a student who is a resident of the parish can be denied admission to the public schools because he has been expelled or suspended from a private school. The Opinion finds that a resident student cannot be refused admission to a public school on these grounds. It goes on to indicate that expulsion or suspension from a private school for whatever reason is not one of the grounds for discipline as outlined in Revised Statute 17:416.

After reading the law, Attorney General Opinions, and consulting with other individuals, it is my opinion that a student who is expelled under the provisions of R. S. 17:416 is eligible for reentry into the public schools of the parish of which he is a resident at the beginning of the school session following his expulsion. Before the child could be denied admission to the school, he would have to be given a full hearing, and all due process rights granted, because the courts have uniformly held that the right to an education is a property right and one cannot be deprived of that right without a full hearing and all due process guarantees.

I hope that the above is sufficient for your information. If it is not, please get in touch with me and I will do some more research on it. I have also attached a copy of the Attorney General's Opinion for your information.

DAH:cmg

September 12, 1975
OPINION 75-1077

94-SCHOOLS & SCHOOL DISTRICT
Administration, government and officers.
LSA-R. S. 17:416

A resident student who has been expelled or suspended from a private school cannot be refused admission to a public school for that reason

Mr. Jack A. Grant
Attorney for the Jefferson Parish
School Board
601 Second Street
Gretna, Louisiana 70053

Dear Mr. Grant:

Your request for an opinion on behalf of the Jefferson Parish School Board has been referred to this office for reply.

Specifically you request an opinion on the following questions:

1. Can a Parish School Board refuse admission to a resident student based upon the record of his behavior in a private school from which he was expelled or suspended for serious reasons? (i.e., aggravated assault, drug possession, sex offenses.)

2. What procedural safeguards should be extended to this student to insure that this regulation is not administered arbitrarily or capriciously?

A resident student cannot be refused admission to a public school on the grounds that he was expelled or suspended from a private school for serious reasons. Expulsion or suspension from a private school for whatever reason is not one of the grounds for discipline as outlined in our statute. LSA-R. S. 17:416.

In view of this conclusion the second question of your letter as to the student's procedural safeguards in the event he is refused admission is moot and requires no answer.

However, you are advised that it would be legally sound for the School Board and the admitting school authority to caution such an applicant that comparable behavior will not be tolerated in our public school system.

If you have any further questions on this matter, please call us.

Yours very truly,

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

BY: Paul J. Ferlita
PAUL J. FERLITA
ASSISTANT ATTORNEY GENERAL

PJF:amc/pf

November 15, 1977
OPINION NO. 77-927A

94--SCHOOLS & SCHOOL DISTRICT - Admin. Govern & Off.

A student who has satisfied the State's minimum requirements cannot be denied a state certificate despite higher standards set by a local school board with approval of BESE.

Fred H. Sutherland, Esq.
Booth, Lockard, Jack,
Pleasant & LeSage
Attorneys for Caddo Parish
School Board
1004 MidSouth Towers
P. O. Drawer 1092
Shreveport, LA 71163

Dear Mr. Sutherland:

You have requested a clarification of opinion number 77-927, dated July 25, 1977, in the following particulars:

1) The original opinion stated as follows:

> A local school board, with the approval of BESE, may raise the requirement to 145 days for a student to be eligible to receive credit for the courses taken.
>
> However, you are advised that any student, regardless of local school board regulations, who complies with our State law, and is in attendance for a minimum of 140 days, cannot be denied a diploma from the State on the premise. (emphasis added).

The two statements appear to you to be conflicting and do not represent your understanding of the law.

First of all, we thank you for your letter dated November 3, 1977. We agree that clarification is needed.

However, we do not find the statements in conflict. The State of Louisiana has minimum standards which apply throughout the State. Any student who fulfills these standards cannot be denied a State Certificate verifying that he has completed and satisfied the minimum standards of this State.

Any elementary and secondary school under the jurisdiction of the Caddo Parish School Board can, with the approval of BESE, raise those standards or make them more stringent. Any such school has the authority to issue a diploma from its institution after the student has met the standards set by the Caddo Parish School Board with approval of BESE. If these standards, higher than the state minimum, are not met, the student can be denied a diploma from that institution, but if he has met the minimum State requirements, he cannot be denied a State Certificate verifying that he has successfully met the State's minimum requirements.

You have also requested that we address ourselves to the following specific questions:

> 1) Can a local school board, with the approval of BESE, set four (4) English courses as a requirement for graduation instead of the three (3) established by Bulletin 741?
>
> 2) Can a local school board, with the approval of BESE, establish a proficiency level in reading as a condition to graduation in addition to courses required by Bulletin 741?
>
> 3) Can a local school board, with the approval of BESE, increase the minimum attendance requirement as a condition for course credit and graduation beyond the minimum of 70 days per semester established in Bulletin 741?

We answer all of these questions in the affirmative.

If those standards which have been approved by BESE are not satisfied by a student, that student can be denied a diploma from your schools. However, he cannot be denied a State Certificate if the minimum requirements of the State have been satisfied.

If we can be of any further assistance in this matter, or any other matters, please do not hesitate to contact this office.

Yours very truly,

WILLIAM J. GUSTE, JR.
Attorney General

BY: Paul J. Ferlita
PAUL J. FERLITA
Assistant Attorney General

July 25, 1977

OPINION 77-927

15-A...CONSTITUTIONAL LAW
94.....SCHOOLS & SCHOOL DISTRICTS
Administration, Government
and Office
100....SCHOOLS & SCHOOL DISTRICTS
Teachers, Principals &
Superintendent, Sabbatical
Leave

A local School Board can only adapt rules and regulations which are not inconsistent with law as with rules and regulations of BESE. LSA-R.S. 17:7 (5); 49:951-952; 17:81; La. Const. 1974, Art. 8, Sec. 3

Mr. Dudley E. Duhon, Supervisor
Census and Attendance
Lafayette Parish School Board
P. O. Drawer 2158
Lafayette, Louisiana 70501

Dear Mr. Duhon:

Your request for an opinion has been referred to this office for attention and reply.

Your questions are in reference to Bulletin 741 adopted and promulgated by the Louisiana State Board of Elementary Education. (BESE)

The subject matter of this Bulletin is student school attendance with the provision that elementary children must be present a minimum of 140 days to be eligible to receive credit for the courses taken.

The only exception provided for in this Bulletin is in the event of extended personal illness as verified by a physician and/or other extenuating circumstances, as approved by the Parish Supervisor of Child Welfare and Attendance in consultation with the principal.

Specifically, you ask the following three questions:

Question 1 - Are the policies of Bulletin 741 to be interpreted and enforced as state law?

Question 2 - The policy states that a student must attend a minimum of 140 days of school. Can a local school system set their requirements to read 145 days?

Question 3 - The attendance policy in Bulletin 741 indentifies the Supervisor of Child Welfare and Attendance as the person to make an exception in a case of excessive absences. Can the Superintendent or the Board overrule the decision of the Supervisor of Child Welfare and Attendance in such a matter?

BESE has been mandated by the State Constitution to supervise and control the public and elementary schools, the vocational-technical training and the special schools under its jurisdiction. La. Const. 1974 Art. 8, Section 3.

The legislature enacted a specific statute for the implementation of these broad powers. It provided that BESE shall "prepare and adapt or approve courses of study and rules, by-laws, and regulations for the discipline of students and for the government of the public, elementary and secondary schools and other public schools and programs under its jurisdiction which shall not be inconsistent with law and which shall be enforced by the parish and city school boards and the parish and city superintendents." LSA-R.S.: 17:7 (5)

Bulletin 741 setting out minimum requirements of attendance for eligibility to receive credits for its courses taken falls within its policy-making authority of BESE and is in accordance with the constitution and statute and therefore, has the full force and effect of law. LSA-R.S. 17:7 (5) R.S. 49: 951-952

Each School Board is authorized to make such rules and regulations for its own government. However, such rules and regulations cannot be inconsistent with the regulations of the State Board of Elementary and Secondary Education. R. S. 17:81

A local School Board, with approval of BESE, may raise the requirement to 145 days for a student to be eligible to receive credit for the courses taken.

However, you are advised that any student regardless of local School Board regulation, who complies with our state law, and is in attendance for the minimum of 140 days, cannot be denied a diploma from the State on the premise.

The Supervisor of Child Welfare and Attendance is designated by this State under Bulletin 741 as the person to make any exception in a case of excessive absence. This designation cannot be changed without approval of the Board for the reasons hereinabove stated.

If further clarification is needed, please contact this office.

Yours very truly,

WILLIAM J. GUSTE, JR.
Attorney General

BY: Paul J. Ferlita
PAUL J. FERLITA
Assistant Attorney General

PJF:fc:pf

April 14, 1978

OPINION NUMBER: 77-1725-A

Mr. James V. Soileau
Director
State of Louisiana
Board of Elementary & Secondary Education
Room 104, Education Building
626 North Fourth Street
P. O. Box 44064, Capitol Station
Baton Rouge, Louisiana 70804

Dear Mr. Soileau:

Your request for an amendment to Opinion Number 77-1725 has been referred to this office for attention and reply.

The resolution of the Board of Elementary & Secondary Education dated March 23, 1978 requested the Attorney General to amend Opinion 77-1725 to reflect a "State diploma" rather than a "State Certificate" as reflected in the original opinion.

The Board of Elementary & Secondary Education has advised the Board that the State issues a diploma and not a certificate as indicated in the opinion.

Under the facts stated in your letter dated April 3, 1978, Opinion Number 77-1725 is herein amended to reflect the issuance of a state diploma instead of a state certificate. We reiterate our reference to Opinion Number 77-1536, 77-927, and 75-329, and amend Opinion Number 77-1725.

These opinions cover extensively the subject of your opinion request. Nevertheless, questions continue to be raised regarding this matter. This suggests to us that further clarification is needed of our opinions and Bulletin 741 of the Department of Education.

Bulletin 741, approved by BESE, sets out uniform minimum requirements for graduation throughout the state. This power to set policy is vested in BESE alone.

As we have stated in our opinions, a local school board or a particular school within a local school system does not have the authority to require more stringent attendance policies than those presently enforced and found in Bulletin 741. Neither does a local school board or a school within a local system have the authority to raise the academic requirements above the uniform minimum requirements enforced and found in 741.

This authority to raise standards over and above the minimum requirements in Bulletin 741, can only be granted to a local school board or a local school by the Board of Elementary & Secondary Education, (BESE).

The problem arises when BESE does grant a school board or a school, the authority to raise its requirements above the minimum standards found in Bulletin 741. It is a practical problem; and Bulletin 741, as presently written, offers no practical solution. For example, if X high school has been granted the authority by BESE to raise the requirements above the minimum standards, what are the rights of the student or school when the student fulfills the minimum requirements in Bulletin 741, but does not meet the more stringent requirements of X high school? Bulletin 741 offers no answer.

We have stated in our opinions, and we repeat herein, that under our existing laws and regulations a student who completes the minimum requirements set out in Bulletin 741 cannot be denied a state diploma regardless of any standards that may be required by a school board or local school system over and above the minimum requirements.

Therefore, we have a situation where the authority can be granted to raise standards with no practical means of implementation.

We offered a solution comparable to that existing in our private school system. Namely, a student in a private school who fulfills the minimum requirements of the state is granted a state diploma but is denied a diploma from that private school if he does not meet its standards. But the private and public school systems are different, and as such, we cannot consider it a satisfactory answer, particularly where Bulletin 741 is silent on the issue.

It is not our purpose or function to comment on policy matters reserved to BESE. Nevertheless, as a matter of law, we are constrained to make the observation that this question cannot be properly resolved until such time as Bulletin 741 is revised or amended to provide a clear expression of our state law on this question.

The Constitution of this country prohibits any laws that do not afford equal protection to all students. A uniform system of standards is imperative. You cannot deprive a student a state diploma in one parish if he fulfills the requirements of Bulletin 741 regardless of your consent to allow higher standards to a particular school or school system.

Therefore, we suggest that Bulletin 741 be amended to provide that in those instances where BESE authorizes higher academic standards than those presently enunciated in Bulletin 741, then that particular school can deny a diploma from that particular school, but cannot deny that student a state diploma which certifies that a student has met and completed the minimum requirements of this state.

You specifically ask about attendance requirements and your authority to grant a local school board or a particular school the authority to require more stringent attendance requirements than those presently found and enforced in Bulletin 741.

Again, we state that BESE is vested with this authority. The principles of implementation remain the same as those previously expressed herein with regard to academic requirements. Namely, a student cannot be denied a state diploma if he meets this state's minimum attendance and academic requirements.

This opinion would not be complete unless we include herein a related matter that the Board is familiar with.

Under our law, commonly referred to as G.E.D. (General Education Development), a student eighteen years or older, who has not met either or both of our minimum attendance or academic requirements, is afforded the right and opportunity to take an examination towards a state diploma. If successful, he is entitled to certification as a high school graduate. A student under eighteen years of age must apply to BESE for a waiver of this age requirement before he can be afforded this opportunity.

If further clarification is needed, please do not hesitate to call on this office.

Very truly yours,

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

BY: Paul J. Ferlita
PAUL J. FERLITA
Assistant Attorney General

PJF:rje:pf

March 31, 1980

OPINION NO. 80-302

Mr. Marion H. Hendry, Jr.
Assistant Superintendent
Tangipohoa Parish School Board
313 Oak Street
Amite, La. 70422

Dear Mr. Hendry:

This will acknowledge receipt of your letter dated February 27, 1980, wherein you requested our opinion on the following question, to wit:

> Can a school system hold a student report card and other records when that student leaves that school system for another when the student has a debt, such as, failure to return loaned books, or failure to pay for lost books or for lunches already provided?

Section 104 of Title 17 of the Louisiana Revised Statutes states, in pertinent part:

> ...each local board shall have full and final authority and responsibility for the assignment transfer and continuance of all pupils among and within its jurisdiction, and shall prescribe rules and regulations pertaining to those functions.

Section 81 of Title 17 of the Louisiana Revised Statutes provides, in pertinent part:

> Each school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education, as it may deem proper.

In Estay v. Lafourche Parish School Board, 230 So.2d 443 (1st Cir., La. App., 1969), the First Circuit relied on these statutes to find authority in the school board to enact:

> "...any rule or regulation reasonably calculated to insure that each student completes his high school education...," 230 So.2d. at 446.

The Court went on to say:

> "We are of the view that the right to public school attendance is not an unqualified right. Rather it is a right involving concomitant privileges and obligations. Among these is the duty of submitting to reasonable regulations imposed by lawful authority in the interest

> of the individual student and the welfare of the institution of learning," 230 So.2d at 448.

Such rules must be "reasonable (and) uniformly applies, "Estay, supra, at 448, and not "arbitrary or capricious, "Estay, supra, at 450. The rule must bear a "reasonable relationship to the lawful end of promoting legislative objectives committed to the school board's charge, "Estay, supra, at 450.

Section 81 of Title 17, Louisiana Revised Statutes, gives the School Board the authority to provide for the protection of property, to provide for the necessary furniture, equipment and apparatus (paragraph 6), and to recover for any damage done to property in their charge (paragraph 7).

In Borden v. Louisiana State Board of Education, 123 So. 655 (1929), the court said:

> "School Books are not granted or donated to the children. It is only the use of the books that is granted to the children, or in other words, the books are lent to them, which implies that they are to be returned."

It is clear that the maintenance of school property is the responsibility of the local school board. The rule you propose, i.e., withholding of report cards when a student leaves the system without paying fees due for lost or unreturned textbooks, is a reasonable rule which is calculated to promote legislative objectives committed to your charge.

Paragraph B of Section 194 of Title 17, Louisiana Revised Statutes, states:

> The Board of Education may prescribe regulations, employ personnel, and take other action it may deem necessary to provide for the establishment, maintenance, and expansion of any school lunch program...

Since the Board of Education has stated that it is the responsibility of the individual school in question to assume payment for lunches which students have not paid for, and since the local school board is ultimately responsible for providing these funds, it is within the power of the school board to make rules and regulations to effectuate payment.

The rules, as applied to the students, must not be arbitrary or capricious because the Equal Protection Clause of the Fourteenth Amendment, U.S. Constitution, demands that all such rules and regulations must be applied the same way in all cases, Estay, supra. The burden of showing unreasonableness of a rule so promulgated is on the person complaining, Estay, supra.

Since, in the end, reasonableness of a rule is determined by the degree to which it promotes the best interests of the school responsibilities chargable to the school board, we believe that the proposed rule is acceptable.

Should you require any further consultation in this matter, please feel free to contact us.

Very truly yours,

WILLIAM J. GUSTE, JR.
Attorney General

BY: Charles R. Albright, II
CHARLES R. ALBRIGHT, II
Assistant Attorney General

CRA/DAA/bwk/pf

December 4, 1975
OPINION NO. 75-1432

94-SCHOOLS & SCHOOL DISTRICT
Administration, Government & Officers
A student can be expelled only until beginning of the next regular school session provided he is not convicted of a felony or is incarcerated in a juvenile institution for an offense which would be a felony if committeed by an adult.
LRS: 17:416, Section B-C-D.

Honorable Nathan Stansbury
District Attorney
Lafayette Parish Courthouse
Lafayette, Louisiana 70501

ATTENTION: MR. RONALD E. DAUTERIVE
ASSISTANT DISTRICT ATTORNEY

Dear Mr. Stansbury:

Your request for an opinion from the Attorney General has been referred to this office for reply.

The request from the Lafayette Parish School Board poses the following specific questions:

1) Can a student be expelled permanently?

2) Can an expulsion extend beyond the remainder of the school year?

3) If the answer to question no. 2 is "no", what is done in a situation where a serious offense and subsequent expulsion occurred on the last day of school? and

4) Can a student who returns after an expulsion be placed on immediate probation?

1) A student cannot be expelled permanently. LSA-R. S. 17:416, Section B.

Any student, after being suspended on three occasions for committing any of the offenses in R. S. 17:416, during the same school session, shall on committing the fourth such offense "be expelled from public schools of the parish wherein he resided until the beginning of the next regular school session, subject to the review and approval of the local school board". R. S. 17:416 B. (emphasis added) Therefore, the law is clear in that expulsion is not permanent but only until the beginning of the next regular session of school.

2) An expulsion cannot extend beyond the remainder of a school year. This is made clear in our law when, after the proper safe-guards, the statute states that he can be expelled only until the beginning of the next regular school session. We interpret this to mean that at the beginning of the next school

year, that student has the right to re-admission. R. S. 17:416 (B) (C).

3) A student who has been expelled under the conditions set out in R. S. 17:416, on the last day of school, has the right to re-admission at the beginning of the next school year for the reason stated above. R. S. 17:416 (B) (C).

4) There is no authroity in our laws for placing a student on probation after re-admission from an expulsion. R. S. 17:416 (B) (C). We believe he is again subject to conditions set out in R. S. 17:416 (B) (C). We believe that probation can be used as a disciplinary measure prior to expulsion or in lieu of expulsion when "upon conclusion of the hearing, the superintendent, or his designate, shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken". R. S. 17:416 (C) (emphasis added).

At this time, it would be appropriate to call your attention to the variation made in R. S. 17:416 (D).

The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony would be cause for expulsion (without suspension) for a period of time as determined by the board provided that this kind of expulsion shall require the vote of two-thirds vote of the elected members of the school board. R. S. 17:416 (D). Obviously, this provision is an exception to the conditions set out in R. S. 17:416 (B) (C) in that four suspensions are not required and secondly the expulsion can be for any specific length of time without regard to school sessions as set out in 17:416 (B) (C).

The letter to you from the Superintendent of the Lafayette Parish School Board stated they have, in the past, conducted hearings on the issue of re-admittance after a student had been expelled. Also, these hearings on re-admission have been subject to review by the school board. We find no authority for this procedure. It is our opinion that re-admission is a student's right in the next session following expulsion R. S. 17:416 (B) (C). The only exception to the right of re-admission at the beginning of the next school session is found in R. S. 17:416 (D) cited above. The board has review powers on the issue of expulsion but not on the right of re-admission. 17:416 (B).

If further clarification is needed, please do not hesitate to call on us.

Very truly yours,

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

BY: Paul J. Ferlita
PAUL J. FERLITA
Assistant Attorney General

PJF/do/pf

Relative to grading procedures and make-up work of students suspended.

According to the in-house counsel for the State Department of Education (David A. Hamilton, phone no. (504)342-3732) any student who by his own actions violates the discipline policy of a school and as a result is suspended from school or otherwise excluded from the educational process need not be given the opportunity to make up for missed class work. This is based upon the theory that one who willfully or willingly removes himself from the educational process has no right to demand that he be compensated for his own self-imposed absence. Therefore, grades should not be used as a tool in discipline, as absence from the educational process will exact its own toll according to the student's abilities.

OPINION OF LAWYER FOR
STATE DEPARTMENT OF EDUCATION
DAVID HAMILTON

MAY 18, 1981

Many parishes are having Cuban refugees entering their system without having birth certificates or passports. This is regrettable but often through no fault of the family involved.

If you encounter this in your parish, we have received a verbal opinion that you may take the word of the parents for the information you normally procure from the birth certificate.

You should instruct the parents on the procedures for getting a delayed birth certificate, since at some later date the child will need this document.

If there is any further information we can get for you regarding this or any other problem, please contact us.

THE CONSTITUTION

OF THE

LOUISIANA ASSOCIATION

OF

CHILD WELFARE AND ATTENDANCE PERSONNEL

TO : ALL MEMBERS - SCWA-LEA November 1977

RE : Merger Plan and Constitution

The following recommendations were made by the body during the LEA Convention regarding the constitution as drafted by the Joint Merger Committee:

1. Article III Section 2 (changed to read)
   Active membership is open to all Child Welfare and Attendance Personnel actively employed in the State of Louisiana, on payment of annual dues.

2. Eliminate Article III Section 3 (use the following instead)
   Associate and retired members shall have all the privileges of regular members with the exceptions of the right to vote and hold office.

THE CONSTITUTION

# of the

LOUISIANA ASSOCIATION OF CHILD WELFARE AND ATTENDANCE PERSONNEL

ARTICLE I - Name

The name of this association shall be the Louisiana Association of Child Welfare and Attendance Personnel

ARTICLE II - Philosophy

Any society that has the right to insist that its youth be in regular school attendance has the responsibility to assure those in attendance that their tenure will be profitable and will enhance positive self-concepts; will foster adequate human relations; will prepare them to meet the challenges of the present and the future; and will develop a sense of values which will create in them a desire to be a contributing member of society.

Inasmuch as the child is obligated to be in regular school attendance, the Child Welfare and Attendance and School Social Work Services programs were instituted so that every child could be afforded the opportunity not only to attend school regularly, but to receive assistance from those individuals whose responsibility it is to serve as liaison with the school and community in a concerted effort to identify and eliminate, alleviate or ameliorate undesirable conditions which have an adverse effect upon the child's adjustment to his educational environment.

OBJECTIVES

The goals set forth in the philosophy will be accomplished by meeting the following objectives:

1. To assist other school personnel in the development of success-oriented programs designed to enhance a positive self-image in each child.
2. To create an awareness of the problems that adversely affect the learning process.
3. To render consultative service to other school personnel, parents, and the community relative to the problems affecting attendance and adjustment.
4. To assist community agencies in diagnosing, prescribing and implementing effective programs designed to meet the needs of each child.
5. To supervise, develop and interpret research data on the attendance and adjustment of children.

6. To enforce the Louisiana Compulsory School Attendance Law.

7. To supervise and maintain the continuing census.

AUTHORITY

Louisiana statutes provide that the State Department of Education and each local school board shall have the responsibility of assuming the leadership in initiating, maintaining and supervising programs which affect child welfare and attendance.

Title XVII of the 1950 Louisiana Revised Statutes and Amendments to this law via Acts 109, 194, and 306 spell out rules and regulations concerning child welfare and attendance which should and must be complied with. These statutes deal generally and specifically with compulsory attendance and exemptions to the same; discipline of students, including suspensions and expulsions; duties of state and local supervisory personnel who manage programs for child welfare, adjustment and attendance; duties of principals, teachers and other school personnel to comply with the provisions of the program for child welfare; responsibilities of children and their respective parents or tutors toward compliance with child welfare and attendance laws; methodology to be employed in administering suspensions and expulsions; and the rights of parents or tutors to appeal decisions rendered by the superintendent, or his designate, and the local school board. Additionally, Act 368 makes provisions for affording educational opportunities for all children, regardless of their respective exceptionalities.

ARTICLE III - Membership and Dues

Section 1. The membership of the Association shall consist of the following classes: Active, Associate and Retired.

Section 2. Active membership is open to all Child Welfare and Attendance Personnel in the State of Louisiana, on payment of annual dues.

Section 3. Associate membership is open to all persons engaged in the education of children at the professional level.

Section 4. Retired membership is open to all persons eligible for active or associate membership who have retired, on payment of annual dues.

Section 5. Annual dues for all members joining the Association shall be:

Active Membership	$10.00
Associate Membership	$ 5.00
Retired Membership	$ 3.00

Annual dues shall be paid on or before the November meeting.

Section 6. Only active members shall have the privilege of holding office in the Association.

Section 7. Active and Associate Members on official leave from their regular position shall enjoy the same privileges in the Association just as though they were actively engaged in their regular position.

Section 8. Associate and retired members may actively participate in discussion and serve on committees of the Association.

ARTICLE IV - Officers and Their Election

Section 1. The officers of the Association shall be a President, 1st Vice-President, 2nd Vice-President, Secretary, Treasurer, and Chaplain.

Section 2. The Second Vice-President shall serve as Parliamentarian.

Section 3. The President and Vice-President shall serve for a one year term.

Section 4. The officers will be elected and installed at the annual November meetings.

ARTICLE V - Executive Committee

Section 1. The Executive Committee shall be composed of the officers of the Association, the Immediate Past President, and one member from each of the eight areas.

Area 1. Orleans

Area 2. Jefferson, Plaquemines, St. Bernard, St. Charles, St. James, St. John

Area 3. Assumption, Iberia, Lafayette, Lafourche, St. Martin, St. Mary, Terrebonne, Vermilion

Area 4. Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster

Area 5. Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, City of Monroe

Area 6. Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, West Feliciana, City of Bogalusa

Area 7. Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, St. Landry

Area 8. Avoyelles, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, Winn

Section 2. The Executive Committee member from each area shall be the Chairperson of the area.

Section 3. The Chairperson from each area shall hold office for one year.

Section 4. The President shall appoint an Executive Committee Member from the area in case of a vacancy occurs.

Section 5. The Chairpersons from the areas shall be elected not later than October 15.

ARTICLE VI - Voting

Section 1. Only active members shall be entitled to vote in the business of the Association.

ARTICLE VII - Meeting

Section 1. The Louisiana Association of Child Welfare and Attendance Personnel shall hold a minimum of two meetings each year. One meeting shall be held at the annual meeting in November. The other meeting shall be held in the spring of the year.

Section 2. The Executive Committee shall set the date and place of meetings.

Section 3. Each area shall hold a minimum of two meetings per year.

ARTICLE VIII - Committees

Section 1. Committees for special purposes shall be appointed by the President as the need arises.

Section 2. The President of the Association shall appoint a nomination committee composed of four (4) members to serve with the immediate past president as chairperson. This committee shall be appointed prior to the Louisiana Association of Child Welfare and Attendance Personnel Spring Meeting. It shall be the duty of the nomination committee to place in nomination the names of candidates for the elected officers before the assembly for their consideration.

ARTICLE IX - Vacancies

Section 1. All vacancies occuring in any office, other than that of the President, shall be filled by appointment by the President with the apprvoal of the Executive Committee.

Section 2. A vacancy occurring in the office of the President, the 1st Vice-President shall at once succeed to the office of the President. Section Vice-President shall become first Vice-President. The filling of an unexpired term does not forfeit one's right to run for office for a full term.

ARTICLE X - Dissolution of the Association

Section 1. In case of the dissolution of the Association all assets of the association shall automatically become a part of the assets of the parent body of the Association.

ARTICLE XI - Amendments

Section 1. The Constitution may be amended at any regular meeting by a majority vote of the membership present, due notice having been given by letter to all members on having been announced and placed in the official minutes at a prior meeting of the Association.

ARTICLE XII - Rules of Order

Section 1. Robert Rules of Order, unless otherwise provided, shall govern all business meetings of the Association.

BY-LAWS

ARTICLE I - Duties of Officers

Section 1. It shall be the duty of the President to preside at all meetings, to prepare programs for the meetings of the Association and appoint all committees not otherwise provided for. He shall be Chairman and member of the Executive Committee, and shall call meetings of the committee whenever he deems it necessary, or whenever he is requested to do so by a majority of the members of the Executive Committee. He shall perform all other duties pertaining to his office.

Section 2. In the absence of the President, the 1st Vice-President shall preside. In the case of a vacancy in the office of the President, the 1st Vice-President shall at once succeed to the office of the President.

Section 3. The 2nd Vice-President shall perform all duties assigned by the President and shall serve as Parliamentarian.

Section 4. The Secretary shall keep a complete and accurate record of the proceedings of all meetings of the Association and all meetings of the Executive Committee.

Section 5. The Treasurer shall

1. Receive and keep all monies due the association and deposit them in a bank approved by the Executive Committee to the credit of Louisiana Association of Child Welfare and Attendance Personnel.
2. Disburse such monies on authority of the Louisiana Association of Child Welfare and Attendance Personnel on the Executive Committee of the Louisiana Association of Child Welfare and Attendance Personnel.

3. Make reports of receipts and disbursements to all Executive Committee meetings and an annual financial report to the Annual Louisiana Association of Child Welfare and Attendance Personnel Meeting.

4. Prepare and submit an annual budget to the Executive Committee and the L.A.C.W.A.P. for adoption.

5. Provide for the issuance of the annual membership card upon receipt of annual dues.

Section 6. The chaplain shall be in charge of devotionals for each meeting.

ARTICLE II - Duties of District Executive Committee Members

Section 1. The District Chairperson shall notify the Louisiana Secretary of their district's election meeting and the results of its election on or before October 31st of the year in which it is held.

Section 2. The District Chairperson shall preside at the district's organizational meeting.

Section 3. The District Chairperson shall be responsible for the organization in his district.

Section 4. The District Chairperson is responsible for the success of the organization in his district.

Section 5. The District Chairperson shall attend all Executive Committee meetings or send his alternate to the meeting.

MERGER AGREEMENT

1978-79

ARTICLE IV - Officers and Their Elections

		President	1st Vice-President	2nd Vice-President
Section 1.	78-79	White	Black	White
	79-80	Black	White	Black
	80-81	White	Black	White
	81-82	Black	White	Black
	82-83	White	Black	White
	83-84	Black	White	Black

ARTICLE V

Section 1. Four (4) members of the executive committee must be of the minority race.

In addition: Committees of the Louisiana Association of Child Welfare and Attendance Personnel shall be representatives of its membership.

The Treasurer and the Secretary shall be of the opposite race.

Executive Committee: Beginning in 1978-79 the Odd Numbered Area Chairperson will be Black and the Even Numbered Area Chairperson will be White and shall alternate each year thereafter.

AREA 1 --------- SARA FOULKS

ORLEANS PARISH

AREA 2 --------- JANE BAKER

JEFFERSON PARISH, PLAQUEMINES, ST. BERNARD, ST. CHARLES
ST. JAMES, ST. JOHN

AREA 3 --------- RAY LEBOEUF

ASSUMPTION, IBERIA, LAFAYETTE, LAFOURCHE, ST. MARTIN
ST. MARY, TERREBONNE, VERMILION

AREA 4 --------- RICHARD LAND

BIENVILLE, BOSSIER, CADDO, CLAIBORNE, DESOTO, RED RIVER,
WEBSTER

AREA 5 --------- C. H. JACKSON

CALDWELL, CATAHOULA, CONCORDIA, EAST CARROLL, FRANKLIN,
JACKSON, LINCOLN, MADISON, MOREHOUSE, OUACHITA, RICHLAND,
TENSAS, UNION, WEST CARROLL, CITY OF MONROE

AREA 6 --------- HARRY JOHNSON

ASCENSION, EAST BATON ROUGE, EAST FELICIANA, IBERVILLE,
LIVINGSTON, POINTE COUPEE, ST. HELENA, ST. TAMMANY,
TANGIPAHOA, WASHINGTON, WEST BATON ROUGE, WEST FELICIANA,
CITY OF BOGALUSA

AREA 7 --------- DUDLEY AUZENNE

ACADIA, ALLEN, BEAUREGARD, CALCASIEU, CAMERON, EVANGELINE,
JEFFERSON DAVIS, ST. LANDRY

AREA 8 --------- DON WHITE

AVOYELLES, GRANT, LASALLE, NATCHITOCHES, RAPIDES, SABINE,
VERNON, WINN

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
ACADIA 7	Acadia Parish School Board P. O. Box 309 Crowley 70526 (318) 783-3664
ALLEN 7	Allen Parish School Board P. O. Drawer C Oberlin 70655 (318) 639-2199
ASCENSION 6	Ascension Parish School Board P. O. Box 189 Donaldsonville 70346 (504) 473-4981
ASSUMPTION 3	Assumption Parish School Board P. O. Drawer B Napoleonville 70390 (504) 369-7252
AVOYELLES 8	Avoyelles Parish School Board 201 Tunica Dr., W. Marksville 71351 (318) 253-9209
BEAUREGARD 7	Beauregard Parish School Board P. O. Drawer 152 DeRidder 70634 (318) 463-5551
BIENVILLE 4	Bienville Parish School Board P. O. Box 418 Arcadia 71001 (318) 263-2914
BOSSIER 4	Bossier Parish School Board P. O. Box 218 Benton 71006 (318) 965-2281
CADDO 4	Caddo Parish School Board P. O. Box 37000 Shreveport 71130 (318) 636-0210
CALCASIEU 7	Calcasieu Parish School Board 1724 Kirkman Street Lake Charles 70601 (318) 433-6321

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
CALDWELL 5	Caldwell Parish School Board P. O. Box 128 Columbia 71418 (318) 649-2689
CAMERON 7	Cameron Parish School Board P. O. Box W Cameron 70631 (318) 775-5784
CATAHOULA 5	Catahoula Parish School Board P. O. Box 308 Jonesville 71343 (318) 339-7997
CLAIBORNE 4	Claiborne Parish School Board P. O. Box 600 Homer 71040 (318) 927-3502
CONCORDIA 5	Concordia Parish School Board P. O. Box 548 Vidalia 71373 (318) 336-4226
DESOTO 4	DeSoto Parish School Board P. O. Box 631 Mansfield 71052 (318) 872-2836
EAST BATON ROUGE 6	East Baton Rouge Parish School Board 1676 Glasgow Avenue Baton Rouge 70808 (504) 387-2141
EAST CARROLL 5	East Carroll Parish School Board P. O. Box 592 Lake Providence 71254 (318) 559-2222
EAST FELICIANA 6	East Feliciana Parish School Board P. O. Box 397 Clinton 70722 (504) 683-5420
EVANGELINE 7	Evangeline Parish School Board 607 Evangeline Drive Ville Platte 70586 (318) 363-5501

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
FRANKLIN 5	Franklin Parish School Board P. O. Box 349 Winnsboro 71295 (318) 435-5700
GRANT 8	Grant Parish School Board P. O. Box 208 Colfax 71417 (318) 627-3274
IBERIA 3	Iberia Parish School Board Star Rt. B, Box 390B (NAS) New Iberia 70560 (318) 365-2341
IBERIVLLE 6	Iberville Parish School Board P. O. Box 151 Plaquemine 70764 (504) 687-4341
JACKSON 5	Jackson Parish School Board P. O. Box 705 Jonesboro 71251 (318) 259-4456
JEFFERSON 2	Jefferson Parish School Board 519 Huey P. Long Avenue Gretna 70053 (504) 367-3120
JEFFERSON DAVIS 7	Jefferson Davis Parish School Board P. O. Box 640 Jennings 70546 (318) 824-1834
LAFAYETTE 3	Lafayette Parish School Board P. O. Drawer 2158 Lafayette 70502 (318) 232-2620
LAFOURCHE 3	Lafourche Parish School Board P. O. Box 879 Thibodaux 70301 (504) 446-5631
LASALLE 8	LaSalle Parish School Board P. O. Drawer 90 Jena 71342 (318) 992-2161

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
LINCOLN 5	Lincoln Parish School Board 300 S. Farmerville Street Ruston 71270 (318) 255-1430
LIVINGSTON 6	Livingston Parish School Board P. O. Box 128 Livingston 70754 (504) 686-2223
MADISON 5	Madison Parish School Board P. O. Box 1032 Tallulah 71282 (318) 574-3616
MOREHOUSE 5	Morehouse Parish School Board P. O. Box 872 Bastrop 71220 (318) 281-5784
NATCHITOCHES 8	Natchitoches Parish School Board P. O. Box 16 Natchitoches 71457 (318) 352-2358
ORLEANS 1	Orleans Parish School Board 703 Carondelet Street New Orleans 70130 (504) 524-8592
OUACHITA 5	Ouachita Parish School Board P. O. Box 1642 Monroe 71201 (318) 388-2711
PLAQUEMINES 2	Plaquemines Parish School Board P. O. Box 83 Pointe-a-la-Hache 70082 (504) 333-4311
POINTE COUPEE 6	Pointe Coupee Parish School Board P. O. Drawer 579 New Roads 70760 (504) 638-8674
RAPIDES 8	Rapides Parish School Board P. O. Box 1230 Alexandria 71301 (318) 487-0888

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
RED RIVER 4	Red River Parish School Board P. O. Box 350 Coushatta 71019 (318) 932-4081
RICHLAND 5	Richland Parish School Board P. O. Box 599 Rayville 71269 (318) 728-4838
SABINE 8	Sabine Parish School Board P. O. Box 426 Many 71449 (318) 256-2171
ST. BERNARD 2	St. Bernard Parish School Board E. Chalmette Circle Chalmette 70043 (504) 271-2533
ST. CHARLES 2	St. Charles Parish School Board P. O. Box 46 Luling 70070 (504) 784-6289
ST. HELENA 6	St. Helena Parish School Board P. O. Box 540 Greensburg 70441 (504) 222-4349
ST. JAMES 2	St. James Parish School Board P. O. Box 338 Lutcher 70071 (504) 869-5778
ST. JOHN 2	St. John Parish School Board P. O. Drawer AL Reserve 70084 (504) 536-1106
ST. LANDRY 7	St. Landry Parish School Board P. O. Box 310 Opelousas 70570 (318) 948-3657

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
ST. MARTIN 3	St. Martin Parish School Board 305 Washington St. Martinville 70582 (318) 394-6261
ST. MARY 3	St. Mary Parish School Board P. O. Drawer 580 Franklin 70538 (318) 828-4100
ST. TAMMANY 6	St. Tammany Parish School Board P. O. Box 904 Covington 70433 (504) 892-2276
TANGIPAHOA 6	Tangipahoa Parish School Board 313 E. Oak St. Amite 70422 (504) 748-7153
TENSAS	Tensas Parish School Board P. O. Box 318 St. Joseph 71366 (318) 766-3269
TERREBONNE 3	Terrebonne Parish School Board P. O. Box 5097 Houma 70360 (504) 876-7400
UNION 5	Union Parish School Board P. O. Box 308 Farmerville 71241 (318) 368-3311
VERMILION 3	Vermilion Parish School Board P. O. Drawer 520 Abbeville 70510 (318) 893-3973
VERNON 8	Vernon Parish School Board 201 Belview Road Leesville 71446 (318) 239-3401

PARISH AND DISTRICT	OFFICE ADDRESS AREA CODE TELEPHONE NUMBER
WASHINGTON 6	Washington Parish School Board P. O. Box 587 Franklinton 70438 (504) 839-3436
WEBSTER 4	Webster Parish School Board P. O. Box 520 Minden 71055 (318) 377-7052
WEST BATON ROUGE 6	West Baton Rouge Parish School Board 670 Rosedale St. Port Allen 70767 (504) 343-8309
WEST CARROLL 5	West Carroll Parish School Board P. O. Box 220 Oak Grove 71263 (318) 428-2378
WEST FELICIANA 6	West Feliciana Parish School Board P. O. Drawer B St. Francisville 70775 (504) 635-3891
WINN 8	Winn Parish School Board P. O. Box 430 Winnfield 71483 (318) 628-6936
CITY OF MONROE 5	Monroe City School Board P. O. Box 4180 Monroe 71203 (318) 325-0601
CITY OF BOGALUSA 6	Bogalusa City School Board P. O. Box 310 Bogalusa 70427 (504) 735-1392